

ACCESSIBLE AIR TRAVEL: ADDRESSING CHALLENGES FOR PASSENGERS WITH DISABILITIES

(117-61)

REMOTE HEARING
BEFORE THE
SUBCOMMITTEE ON
AVIATION
OF THE
COMMITTEE ON
TRANSPORTATION AND
INFRASTRUCTURE
HOUSE OF REPRESENTATIVES
ONE HUNDRED SEVENTEENTH CONGRESS

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U.S. House of Representatives
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NOVEMBER 14, 2022

SUMMARY OF SUBJECT MATTER

TO: Members, Subcommittee on Aviation
FROM: Staff, Subcommittee on Aviation
RE: Subcommittee Hearing on “Accessible Air Travel: Addressing Challenges for Passengers with Disabilities”

PURPOSE

The Subcommittee on Aviation will meet on Thursday, November 17, 2022, at 10:00 a.m. EST in 2167 Rayburn House Office Building and virtually via Zoom for a hearing titled, “Accessible Air Travel: Addressing Challenges for Passengers with Disabilities.” The hearing will focus on issues related to the air travel experience for passengers with disabilities, from check-in at an airport to the baggage claim at their destination. Members will have the opportunity to hear from key stakeholders about what the federal government and U.S. aviation industry are doing to ensure these passengers have a safe and dignified experience. This hearing will also examine the implementation of the disability-related requirements of the Federal Aviation Administration (FAA) Reauthorization Act of 2018 and explore proposals to address ongoing barriers for passengers with disabilities.

Witnesses include Rep. James R. Langevin (RI-02), representatives from the Paralyzed Veterans of America (PVA), the Metropolitan Airports Commission, the Government Accountability Office (GAO), Airlines for America (A4A), and three-time Team USA Paralympic Medalist Matt Scott.

BACKGROUND

I. OVERVIEW

The U.S. Census Bureau estimates that 42.6 million Americans (nearly 13 percent of individuals) have a disability, which may include issues with physical mobility, hearing, vision, or cognition.¹ While these Americans face various hurdles in their daily lives, air travel often presents additional unique challenges. For instance, airline passengers with disabilities may encounter non-accessible lavatories on aircraft, incur bodily harm when boarding or deplaning an aircraft, and frequently report lost, damaged, or otherwise mishandled mobility aids, such as wheelchairs and scooters.² Additionally, people who use wheelchairs often face difficulties upon arrival at airports, including problems associated with the mishandling of their mobil-

¹ Gov’t Accountability Office, GAO-21-354, *Passengers with Disabilities: Airport Accessibility Barriers and Practices and DOT’s Oversight of Airlines’ Disability-Related Training* (Apr. 2021).

² Amanda Morris, *Embarrassing, uncomfortable and risky: What flying is like for passengers who use wheelchairs*, The New York Times (Aug. 2022), available at: <https://www.nytimes.com/2022/08/08/travel/air-travel-wheelchair.html>.

ity aids, navigating through crowded terminals, and undergoing security screening.³ Such challenges can prevent passengers with disabilities from enjoying their air travel experience and may lead them to seek out alternative means of travel altogether.⁴

Congress passed the Air Carrier Access Act (ACAA) in 1986⁵ and the Americans with Disabilities Act (ADA) in 1990.⁶ These pieces of legislation were designed to prevent discrimination against people with disabilities in air travel and all other areas of public life, respectively.⁷ Although these laws have made tremendous strides toward ending disability-related discrimination, persistent gaps remain.⁸

II. AIR CARRIER ACCESS ACT (ACAA)

The ACAA is the primary federal statute governing the rights of passengers with disabilities during air travel.⁹ The statute aims to address the unique difficulties faced by people with disabilities by (1) prohibiting discrimination on the basis of disability in air travel; (2) defining requirements regarding the accessibility of aircraft facilities; and (3) ensuring airlines provide certain services and accommodations for these passengers.¹⁰

Before the ACAA was passed in 1986, people with disabilities often had no way of predicting the extent of a given airline's or flight crew's accommodations. It was common practice for people with disabilities to be forced to travel with an attendant at their own expense; be required to sit on a blanket for fear that they might soil the passenger seat; or simply be refused service.¹¹ Passage of the ACAA helped to provide this community with improved air travel by setting clear standards regarding aircraft accessibility, seating accommodations, boarding and deplaning assistance, service animals, and screening, among other things.¹²

In 1990, the U.S. Department of Transportation (DOT) promulgated final rules under the ACAA defining the rights of passengers with disabilities and the obligations of air carriers under this law.¹³ The regulations, among other things:

- Prohibit air carriers from requiring a person with a disability to travel with an attendant;¹⁴
- Require widebody (twin-aisle) aircraft to include accessible lavatories, however, single-aisle aircraft may, but are not required to, provide an accessible lavatory;¹⁵
- Require aircraft of a certain size to have priority storage space for wheelchairs, assistive devices, and other mobility aids in the aircraft cabin;¹⁶
- Require air carriers to provide assistance with boarding and deplaning;¹⁷
- Prohibit air carriers from charging passengers with disabilities for providing services and accommodations;¹⁸
- Require air carriers to ensure contractors provide services to assist passengers with disabilities;¹⁹ and

³ Joseph Shapiro, *Despite calls to improve, air travel is still a nightmare for many with disabilities*, NPR (Nov. 2021), available at: <https://www.npr.org/2021/11/09/1049814332/despite-calls-to-improve-air-travel-is-still-a-nightmare-for-many-with-disabilities>.

⁴ Statement of David Zurfluh, former National President, Paralyzed Veterans of America, *A Work in Progress: Implementation of the FAA Reauthorization Act of 2018: Before the Subcomm. on Aviation of the House Transportation and Infrastructure Committee*, 115th Cong. (Sept. 2019).

⁵ 49 USC § 41705.

⁶ 42 USC § 12101, *et seq.*

⁷ Congressional Research Service, CRS Report No. IF12227, *The Americans with Disabilities Act: A Brief Overview* (Oct. 2022), available at: <https://www.crs.gov/reports/pdf/IF12227/IF12227.pdf>; CRS Report No. R43078, *Airline Passenger Rights: The Federal Role in Aviation Consumer Protection* (Aug. 2016), available at: <https://www.crs.gov/reports/pdf/R43078/R43078.pdf>.

⁸ Shapiro, *supra* note 3.

⁹ Paralyzed Veterans of America, *Air Carrier Access Act: Protecting passengers with disabilities*, (2022), available at: <https://pva.org/research-resources/disability-rights-advocacy/air-carrier-access-act/>.

¹⁰ DOT, *Passengers with Disabilities*, (Oct. 2022), available at: <https://www.transportation.gov/airconsumer/passengers-disabilities#:~:text=About%20the%20Air%20Carrier%20Access,of%20airlines%20under%20this%20law.>

¹¹ Zurfluh, *supra* note 4, at 2.

¹² DOT *supra* note 8.

¹³ *Id.*

¹⁴ 14 CFR § 382.29(a).

¹⁵ 14 CFR § 382.63.

¹⁶ 14 CFR § 382.121(a).

¹⁷ 14 CFR § 382.95.

¹⁸ 14 CFR § 382.31.

¹⁹ 14 CFR § 382.15.

- Require that air carriers designate “complaints resolution officials” to respond to disability-related complaints.²⁰

At the federal level, the DOT enforces the ACAA requirements along with other consumer protection standards.²¹ Specifically, the DOT’s Office of Aviation Consumer Protection oversees air carriers’ compliance with consumer protection laws and ensures implementation of regulations prohibiting discrimination against passengers with disabilities.²² The office’s primary responsibilities include investigating disability-related complaints against airlines; promoting awareness of passenger rights through public education efforts; and assessing the need for and developing aviation consumer protection rules.²³ According to the U.S. Bureau of Transportation Statistics (BTS), the DOT received 195 disability-related complaints in August 2022, a decrease from the 248 disability-related complaints received the month prior, but an increase from the 109 complaints received in August 2019.²⁴

Although individuals with disabilities may enforce their rights under the ADA by bringing civil lawsuits, courts have held that the ACAA does not expressly provide for a private right of action.²⁵ Thus, passengers with disabilities cannot enforce their rights under the ACAA through civil litigation in U.S. courts and must instead rely on the DOT to take corrective measures. Some disability rights groups continue to advocate for establishing a private right of action under the ACAA.²⁶

III. AMERICANS WITH DISABILITIES ACT (ADA)

Enacted in 1990, the ADA prohibits discrimination against people with disabilities in public spaces.²⁷ To achieve this, the ADA requires “reasonable accommodations” be made in order to render a good, service, facility, or privilege accessible to individuals with disabilities.²⁸ The law provides broad nondiscrimination protection in areas of employment, public services, public accommodations, transportation (except air travel), and services operated by private entities for people with disabilities.²⁹ The ADA includes several requirements for U.S. airports, such as:

- Providing accessible inter-terminal transportation, including but not limited to moving sidewalks, shuttle vehicles, and other people movers;³⁰
- Providing access for people with disabilities between gates and aircraft, at loading bridges, and in passenger lounges;³¹
- Ensuring that informational media, such as flight information displays, include high-contrast captions or other features for those with visual or hearing impairments;³² and
- Providing passengers with disabilities with terminal facilities they can readily use.³³

The FAA’s Office of Civil Rights oversees airport compliance with regards to the ADA and related statutes.³⁴ The office’s primary duties include investigating disability-related complaints against airports; sharing best practices with U.S. airports; and developing and sharing guidance on key accessibility-related roles and legal responsibilities for airports and airlines.³⁵

²⁰ 14 CFR § 382.151.

²¹ GAO, *supra* note 1, at 6.

²² *Id.* at 17.

²³ *Id.* at 18.

²⁴ U.S. Bureau of Transportation Statistics, *Air Travel Consumer Report: August Consumer Complaints Up 6 Percent from July, More Than 320 Percent Above Pre-Pandemic Levels* (Oct. 2022), available at: <https://www.bts.gov/newsroom/air-travel-consumer-report-august-consumer-complaints-6-percent-july-more-320-percent>.

²⁵ See *Boswell v. Skywest Airlines, Inc.*, 361 F.3d 1263, 1265 (10th Cir. 2004) (concluding that the “ACAA establishes certain administrative remedies but not a private right of action”).

²⁶ Paralyzed Veterans of America, *Priorities for the 2023 FAA Reauthorization*, Aug. 2022, (notes on file, Committee on Transportation and Infrastructure, Subcommittee on Aviation).

²⁷ See ADA: A Brief Overview, *supra* note 7.

²⁸ *Id.*

²⁹ *Id.*

³⁰ 14 CFR § 382.51.

³¹ *Id.*

³² *Id.*

³³ *Id.*

³⁴ GAO *supra* note 1 at 18.

³⁵ *Id.*

IV. KEY ISSUES AFFECTING PASSENGERS WITH DISABILITIES DURING AIR TRAVEL

A. Accessible Aircraft Lavatories

People with disabilities cite access to aircraft lavatories as one of the most persistent impediments to flying.³⁶ If an aircraft does not have an accessible lavatory, some passengers resort to dehydrating themselves before a flight—which can cause adverse health effects—or avoid flying altogether.³⁷ Under the ACAA, all new widebody (twin-aisle) aircraft must have accessible lavatories, but narrower (single-aisle) aircraft are exempted from this requirement.³⁸

There have been several efforts to address this issue in recent years. In 2016, the DOT established a negotiated rulemaking committee, the ACCESS Advisory Committee, to develop a compromised proposed rule on lavatory access with the disability rights community, air carriers, flight attendants, aircraft manufacturers, and other stakeholders.³⁹ The DOT subsequently announced an agreement which included short-term and long-term actions to address barriers passengers with disabilities face when on board a single-aisle aircraft.⁴⁰ Under the agreement, air carriers are required to take several steps to improve lavatory accessibility—short of increasing their size—three years after the effective date of the final rule.⁴¹ In addition, the DOT is required to develop improved safety and maneuverability standards for aircrafts’ on-board (aisle) wheelchair.⁴² Furthermore, in the long-term, air carriers must provide accessible lavatories on single-aisle aircraft with at least 125 seats.⁴³

More recently, in March 2022, the DOT published a notice of proposed rulemaking (NPRM) to improve the accessibility of lavatories for people with disabilities on new single-aisle aircraft.⁴⁴ Specifically, the proposed rule would require air carriers to make at least one lavatory on new single-aisle aircraft with more than 125 seats large enough to allow a passenger with a disability (with the help of an assistant, if necessary) to approach, enter, and maneuver within the lavatory, use all facilities in the lavatory, and exit using the aircraft’s onboard wheelchair.⁴⁵ This requirement would apply to new aircraft ordered 18 years after the final rule’s effective date or delivered 20 years after the final rule’s effective date.⁴⁶

Section 426 of the FAA Reauthorization Act of 2018 (“2018 FAA reauthorization law”) required the Government Accountability Office (GAO) to study lavatory access on aircraft, including accessibility for passengers with disabilities.⁴⁷ The GAO issued the report in January 2020, which found that aircraft manufacturers offer designs for onboard lavatories that are designed to accommodate passengers using onboard wheelchairs, but air carriers generally choose not to acquire this option for their single-aisle aircraft.⁴⁸ In response to the report, air carriers argued that they consider several factors when ordering aircraft lavatories, including financial and service tradeoffs, such as potentially losing seats or reduced food and beverage service for passengers.⁴⁹

B. Preventing Damage to Mobility Aids

Mobility aids—such as wheelchairs, scooters, or other assistive devices—not only provide a means of transport for many people with disabilities, but also can be critical tools to help facilitate communication and manage serious health conditions. If

³⁶ Morris, *supra* note 2.

³⁷ DOT, *U.S. Department of Transportation announces proposed rule to improve accessibility of lavatories on single-aisle aircraft*, (March 2022), available at: <https://www.transportation.gov/briefing-room/us-department-transportation-announces-proposed-rule-improve-accessibility-lavatories>.

³⁸ 14 CFR § 382.63.

³⁹ DOT, *DOT Negotiated Rulemaking Committee agrees on future measures to improve accessibility of aircraft lavatories and in-flight entertainment*, (Dec. 2016), available at: <https://www.transportation.gov/briefing-room/dot-negotiated-rulemaking-committee-agrees-future-measures-improve-accessibility>.

⁴⁰ *Id.*

⁴¹ *Id.*

⁴² *Id.*

⁴³ *Id.*

⁴⁴ DOT, *U.S. Department of Transportation announces proposed rule to improve accessibility of lavatories on single-aisle aircraft*, (March 2022), <https://www.transportation.gov/briefing-room/us-department-transportation-announces-proposed-rule-improve-accessibility-lavatories>.

⁴⁵ *Id.*

⁴⁶ *Id.*

⁴⁷ Pub. L. No. 115–254, § 426.

⁴⁸ GAO, *GAO–20–258, Aviation Consumer Protection: Few U.S. Aircraft Have Lavatories Designed to Accommodate Passengers with Reduced Mobility* (Jan. 2020).

⁴⁹ *Id.*

wheelchairs or other mobility aids are damaged, delayed, or lost, it has the potential to limit a person's mobility and impose costly repairs or replacement.⁵⁰ Although the ACAA details several responsibilities that air carriers must comply with to prevent discrimination against passengers who utilize mobility aids,⁵¹ there continues to be significant concern among passengers with disabilities over the handling of mobility aids and air carriers' ability to assist the people who use them.⁵² According to recent BTS data, air carriers reported mishandling 1,057 wheelchairs and scooters (a rate of 1.56 percent) in August 2022; however, this is lower than the rate of 1.63 percent mishandled in the previous month and the rate of 1.58 percent mishandled in August 2019.⁵³

Several provisions in the 2018 FAA reauthorization law aim to address these concerns. Section 433 required the DOT to develop, if appropriate, specific recommendations regarding improvements to wheelchair assistance and related employee training provided by air carriers.⁵⁴ The law also increases the amount of a civil penalty assessed as a result of damage to a passenger's wheelchair or other mobility aid.⁵⁵ Further, it required the DOT to implement a rule it had previously delayed requiring large air carriers to report on a monthly basis the number of wheelchairs and scooters emplaned and subsequently lost, damaged, or otherwise mishandled.⁵⁶

C. Accessible Airport Facilities

Despite ongoing efforts by the federal government and U.S. aviation industry, barriers to accessible facilities for passengers with disabilities persist. For instance, infrastructure challenges such as complex airport terminal layouts and long distances between gates may be difficult for people with different types of disabilities to navigate.⁵⁷ In addition, essential travel information is not always available in a format accessible to all (e.g., a person with hearing loss could miss important gate information that is only provided over a loudspeaker).⁵⁸

The ADA requires public and private facilities, including airports, to allow people with disabilities who use manual or power wheelchairs or scooters and manually powered mobility aids, such as walkers or crutches, into all public areas.⁵⁹ Additionally, under Section 504 of the Rehabilitation Act of 1973 (which prohibited discrimination against people with disabilities in federal programs and among federal grant recipients), and implemented by Section 27.1(b) of Title 49 of the Code of Federal Regulations, airport operators receiving federal funding must ensure that terminal facilities and terminal services are readily accessible to and usable by individuals with disabilities, including those using wheelchairs.⁶⁰ The ADA also requires that any new airports and airport expansions or renovations that are supported by federal funding meet minimum accessibility standards.⁶¹

To address outstanding accessibility issues, the 2018 FAA reauthorization law required the development of an "Airline Passengers with Disabilities Bill of Rights" describing basic protections for people with disabilities, among other things.⁶² In July 2022, the DOT published this document, and included such protections as the right to assistance at airports and the right to accessible airport facilities.⁶³ Section 440 of the law also directed the DOT to review, and if necessary, revise regulations to ensure that passengers with disabilities requesting assistance during air travel receive dignified, timely, and effective assistance at airports.⁶⁴ More recently, in November 2021, President Biden signed the Infrastructure Investment and Jobs Act

⁵⁰Hannah Sampson, *Airlines have lost or damaged more than 15,000 wheelchairs since late 2018*, The Washington Post (June 2021), available at: <https://www.washingtonpost.com/travel/2021/06/07/wheelchair-scooter-damage-airplane-flights/>.

⁵¹14 CFR Part 382.

⁵²Sampson, *supra* note 43.

⁵³BTS *supra* note 22.

⁵⁴Pub. L. No. 115-254, § 433.

⁵⁵Pub. L. No. 115-254, § 436.

⁵⁶Pub. L. No. 115-254, § 441.

⁵⁷GAO *supra* note 1 at 2.

⁵⁸*Id.*

⁵⁹U.S. Dept. of Justice (DOJ), Civil Rights Division, *Wheelchairs, Mobility Aids and Other Power-Driven Mobility Devices*, January 31, 2014, available at <https://www.ada.gov/opdmd.htm>.

⁶⁰49 CFR § 27.71(b).

⁶¹GAO *supra* note 1 at 13.

⁶²Pub. L. No. 115-254, § 434.

⁶³DOT, *DOT announces first-ever Bill of Rights for passengers with disabilities, calls on airlines to seat families together free of charge*, (July 2022), available at: <https://www.transportation.gov/briefing-room/dot-announces-first-ever-bill-rights-passengers-disabilities-calls-airlines-seat>.

⁶⁴Pub. L. No. 115-254, § 440.

(IIJA), into law.⁶⁵ Among its provisions, the law provided approximately \$5 billion in funding under the new Airport Terminal Program (ATP).⁶⁶ Among other uses, ATP grants can support airport terminal projects designed to improve compliance with the ADA, including expanding accessibility for people with disabilities.

D. Service Animals

Many people with disabilities use a service animal in order to fully participate in everyday life. These animals can be trained to perform a number of important tasks to assist people with disabilities, such as providing stability for a person who has difficulty walking, preventing a child with autism from wandering away, or alerting a person with hearing loss when someone is approaching them from behind.⁶⁷

Section 437 of the 2018 FAA reauthorization law directed the DOT to define “service animal” and to develop minimum requirement standards for passengers bringing service and emotional support animals in aircraft cabins.⁶⁸ After receiving more than 15,000 comments on the NPRM, the DOT issued a final rule on traveling by air with service animals in December 2020.⁶⁹ Among its provisions, the final rule:

- Defines a service animal as a dog, of breed or type, that is individually trained to do work or perform tasks for the benefit of a person with a disability;
- No longer considers an emotional support animal to be a service animal;
- Allows airlines to require forms developed by the DOT attesting to a service animal’s health, behavior, and training. Individuals traveling with a service animal are required to submit the forms up to 48 hours in advance of the date of travel if the passenger’s reservation was made prior to that time;
- Limits the number of service animals traveling with a single passenger with a disability to two service animals; and
- Allows airlines to require a service animal to fit within its handler’s foot space on the aircraft, and be harnessed, leashed, or tethered at all times in the airport and on the aircraft.⁷⁰

According to the DOT, there were several “compelling needs to revise” the previous service animal regulations, including:

- 1) [T]he increasing number of service animal complaints received from passengers with disabilities; 2) inconsistent definitions of ‘service animal’ among federal agencies; 3) disruptions caused by requests to transport unusual species of animals onboard aircraft; 4) the increasing frequency of incidents of travelers fraudulently representing their pets as service animals; and 5) the reported increase in the incidents of misbehavior by emotional support animals.⁷¹

E. Transportation Security Administration (TSA) Screening Procedures

For passengers with disabilities, especially those using mobility aids, the screening process at airport security checkpoints poses unique challenges. Passengers with mobility-related disabilities can be screened through a metal detector, advanced imaging technology, or receive a pat-down by a TSA officer.⁷² TSA officers will also screen wheelchairs and scooters, including seat cushions and any non-removable components; other mobility aids and devices must undergo X-ray screening.⁷³ If a passenger uses the TSA PreCheck program, they can usually avoid these requirements; however, like other participants in this program, they could be subject to randomized screening, including pat-downs.⁷⁴

The 2018 FAA reauthorization law directed TSA to, in consultation with nationally-recognized veterans and disability organizations, revise the training requirements for TSA officers related to the screening of passengers with disabilities, develop best practices for addressing the concerns for passengers with disabilities,

⁶⁵ Public L. No. 117–58.

⁶⁶ *Id.*

⁶⁷ DOJ, DOJ Civil Rights Division, *Frequently Asked Questions about Service Animals and the ADA*, (July 2015), available at https://www.ada.gov/regs2010/service_animal_qa.html.

⁶⁸ Pub. L. No. 115–254, § 437.

⁶⁹ DOT, *U.S. Department of Transportation Announces Final Rule on traveling by air with Service Animals*, (Dec. 2020), available at: <https://www.transportation.gov/briefing-room/us-department-transportation-announces-final-rule-traveling-air-service-animals>

⁷⁰ *Id.*

⁷¹ DOT, *Traveling by Air with Service Animals*, RIN 2105–AE63, (Dec. 2020), available at: <https://www.transportation.gov/sites/dot.gov/files/2020-12/Service%20Animal%20Final%20Rule.pdf>.

⁷² TSA, *Disabilities and Medical Conditions*, available at <https://www.tsa.gov/travel/special-procedures>.

⁷³ *Id.*

⁷⁴ *Id.*

clarify how to address mistreatment, and submit an annual report to Congress.⁷⁵ In October 2019, TSA released its first report describing efforts to update security screening procedures.⁷⁶ According to the report, TSA's changes include:

- Refining new hire training to provide more exposure to situations involving passengers with disabilities at a simulated checkpoint;
- Changing on-the-job training to expose officers to a broader variety of screening situations involving individuals with disabilities;
- Improving recurrent training, along with customized training scenarios to reinforce proper communication with, and screening of, individuals with certain types of disabilities and medical conditions.⁷⁷

WITNESSES

PANEL 1

- Rep. James R. Langevin (RI-02)

PANEL 2

- Heather Ansley, Associate Executive Director of Government Relations, Paralyzed Veterans of America
- Brian Ryks, Executive Director and CEO, Metropolitan Airports Commission, *on behalf of Airports Council International-North America*
- Matt Scott, Three-Time Paralympic Medalist, Team USA
- Heather Krause, Director, Physical Infrastructure, Government Accountability Office
- Graham Keithley, Vice President and Associate General Counsel, Airlines for America

⁷⁵ Pub. L. No. 115-254, § 1950.

⁷⁶ TSA, *TSA's improvements for screening of passengers with disabilities*, (Oct. 2019), available at: https://pva.org/wp-content/uploads/2021/10/tsas-improvements-for-screening-of-passengers-with-disabilities_final_10-3-19_1.pdf

⁷⁷ *Id.*

ACCESSIBLE AIR TRAVEL: ADDRESSING CHALLENGES FOR PASSENGERS WITH DIS- ABILITIES

THURSDAY, NOVEMBER 17, 2022

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON AVIATION,
COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC.

The subcommittee met, pursuant to call, at 10 a.m., in room 2167 Rayburn House Office Building and via Zoom, Hon. Rick Larsen (Chairman of the subcommittee) presiding.

Members present in person: Mr. Larsen of Washington, Mr. DeFazio, Mr. Cohen, Ms. Davids of Kansas, Mr. Stanton, Mr. Lamb, Mr. Graves of Louisiana, Mr. Mast, Mr. Stauber, Mr. Burchett, and Mr. Nehls.

Members present remotely: Mr. Carson, Ms. Williams of Georgia, Mr. Johnson of Georgia, Ms. Titus, Mr. DeSaulnier, Mr. Allred, Ms. Norton, Mr. Fitzpatrick, Dr. Van Drew, and Mrs. Steel.

Mr. LARSEN OF WASHINGTON. The committee will come to order.

I ask unanimous consent that the chair be authorized to declare a recess at any time during today's hearing.

Without objection, so ordered.

I also ask unanimous consent that Members not on the subcommittee be permitted to sit with the subcommittee at today's hearing and ask questions.

Without objection, so ordered.

As a reminder to all, please keep your microphone muted unless speaking. Should I hear any inadvertent background noise, I will request that the Member please mute their microphone.

To insert a document into the record, please have your staff email it to DocumentsT&I@mail.house.gov.

So, I will now recognize myself for an opening statement.

Good morning, and welcome to today's Aviation Subcommittee hearing, titled "Accessible Air Travel: Addressing Challenges for Passengers with Disabilities."

In my home State of Washington and across the country, the aviation sector is recovering from the COVID-19 pandemic. The number of flights and passengers is approaching pre-pandemic levels. This past Tuesday, the Transportation Security Administration recorded nearly 1.9 million passengers screened across the country. That number is 99 percent of the total for the same date in 2019 and over 300 percent of the total for the same date in 2020.

However, one group that continues to face challenges in air travel is people with disabilities. So, to improve equity for all air travelers, Congress must understand the challenges these passengers face, from the curb to the gate and back again, to ensure the rights and safety of all airline passengers.

I first would like to welcome my friend, Representative Jim Langevin of the great State of Rhode Island. I have had the privilege of serving with Representative Langevin on the Armed Services Committee for the last 22 years. I know how committed he is to improving the lives of Americans with disabilities. And he is retiring at the end of the year. And so, I want to stop briefly and thank Jim for his long service to the U.S. Congress, the Nation, and your constituents in Rhode Island.

The Air Carrier Access Act became law in 1986 and prohibits discrimination against passengers with disabilities in air travel. Following the law's enactment, the U.S. Department of Transportation issued regulations that required airlines to require aircraft accessibility features, boarding and deplaning assistance, seating accommodations, and other aids.

Congress should discuss how to modernize the law's language to meet current challenges facing passengers with disabilities. And we all look forward to hearing from Representative Langevin about ideas to do just that.

And, thanks to this committee, the FAA Reauthorization Act of 2018 included several provisions to improve air travel accessibility for passengers with disabilities. DOT drafted an Airline Passengers with Disabilities Bill of Rights, which was released in July; issued a final rule to clarify the definition of a service animal; began reporting data on mishandled wheelchairs; and established an advisory committee on the air travel needs of passengers with disabilities.

Additionally, the 2018 law directed the GAO to examine best practices in airport accessibility and airline training initiatives related to assisting passengers with disabilities.

And although the 2018 law made good policy changes, it is still critical for Congress to hear from the people who are most impacted by these policies to examine what is working and what can be improved in future legislation.

In November of 2019, I chaired a subcommittee roundtable to better understand the challenges that passengers with disabilities face, including the aircraft boarding and deplaning process, inaccessible onboard lavatories, inappropriate screening techniques, and damaged wheelchairs and mobility aids.

Subsequently, in a report in April of 2021, GAO found that passengers with disabilities continue to face "infrastructure, information, and customer service barriers at U.S. airports."

So, we will be interested to hear from Heather Krause from the GAO on any updates to that report and other items from the 2018 law that have yet to be operationalized.

I look forward, as we all look forward, to hearing from Brian Ryks with the Metropolitan Airports Commission in Minnesota, the Minneapolis-Saint Paul area, about airports' efforts to break down barriers for passengers with disabilities.

Improving equity throughout the aviation system means improving airport accessibility. As I mentioned, passengers with disabilities face challenges at U.S. airports regarding how terminals are designed and constructed. So, to help address these issues, Congress passed and President Biden signed the Bipartisan Infrastructure Law a little over a year ago. Thanks to the BIL, the Department of Transportation will invest \$5 billion over the next 5 years to modernize our Nation’s airport terminals by, among other things, helping to provide greater accessibility for individuals with disabilities.

This summer, the DOT awarded the first \$1 billion in funding for these projects, with 73 grants specifically designed for projects to improve accessibility, including one at Sea-Tac in Washington State, where they were awarded \$10 million for terminal updates that will make restrooms more accessible.

Here in the DC area, Dulles International was awarded nearly 50—5-0—\$50 million to construct a new 14-gate concourse which will be able to better serve all passengers, including passengers with disabilities.

Dexter Regional Airport in Maine and general aviation airports like Rosecrans Memorial Airport in Missouri are also receiving Federal funding to improve accessibility.

I look forward to hearing from our panelists from the aviation sector and disability community advocates on what issues are most pressing and what solutions should be considered.

As we look forward to the 2023 FAA reauthorization bill, this subcommittee must find ways to enhance the air travel experience for people with disabilities. And this includes all people with disabilities, including people in wheelchairs as well as those who may be deaf, blind, or have other types of mental or physical disabilities.

Today’s witnesses will provide much-needed insight into the issues facing this particular community, how U.S. airports and airlines are working to find solutions, and how Congress can be a better partner in these efforts to ensure the future of U.S. air travel remains bright for all passengers.

Thank you, and I look forward to working with everyone collaboratively.

[Mr. Larsen’s prepared statement follows:]

Prepared Statement of Hon. Rick Larsen, a Representative in Congress from the State of Washington, and Chair, Subcommittee on Aviation

Good morning and welcome to today’s Aviation Subcommittee hearing titled “Accessible Air Travel: Addressing Challenges for Passengers with Disabilities.”

In my home state of Washington and across the country, the aviation sector is recovering from the COVID-19 pandemic.

The number of flights and passengers is approaching pre-pandemic levels.

This Tuesday, the Transportation Security Administration (TSA) recorded nearly 1.9 million passengers screened across the country.

That number is 99 percent of the total for the same date in 2019, and over 300 percent of the total for the same date in 2020.

However, one group that continues to face challenges in air travel is people with disabilities.

To improve equity for all air travelers, Congress must understand the challenges these passengers face, from the curb to the gate and back again, to ensure the rights and safety of all airline passengers.

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I have the privilege of serving with Representative Langevin on the Armed Services Committee for the last 22 years, and I know how committed he is to improving the lives of Americans with disabilities.

The Air Carrier Access Act became law in 1986 and prohibits discrimination against passengers with disabilities in air travel.

Following the law's enactment, the U.S. Department of Transportation (DOT) issued regulations that required airlines to require aircraft accessibility features, boarding and deplaning assistance, seating accommodations and other aids.

Congress should discuss how to modernize the law's language to meet current challenges facing passengers with disabilities.

I look forward to hearing from Representative Langevin about his ideas to do just that.

Thanks to this Committee, the FAA Reauthorization Act of 2018 included several provisions to improve air travel accessibility for passengers with disabilities. Under the 2018 law, DOT:

- Drafted an "Airline Passengers with Disabilities Bill of Rights," which was released in July;
- Issued a final rule to clarify the definition of a service animal;
- Began reporting data on mishandled wheelchairs; and established an "Advisory Committee on the Air Travel Needs of Passengers with Disabilities," among other actions.

Additionally, the 2018 law directed the Government Accountability Office (GAO) to examine best practices in airport accessibility and airlines' training initiatives related to assisting passengers with disabilities.

Although the 2018 law made good policy changes, it is critical for Congress to hear from the people most impacted by these policies to examine what is working and what can be improved in future legislation.

In November 2019, I chaired a subcommittee roundtable to better understand the challenges passengers with disabilities face, including the aircraft boarding and deplaning process, inaccessible onboard lavatories, inappropriate screening techniques, and damaged wheelchairs and mobility aids.

Subsequently, in a report issued in April 2021, GAO found that passengers with disabilities continue to face "infrastructure, information and customer service barriers at U.S. airports."

I'm interested to hear from Heather Krause with GAO on any updates to that report and other items from the 2018 law that have yet to be operationalized.

I also look forward to hearing from Brian Ryks with the Metropolitan Airports Commission about airports' efforts to break down barriers for passengers with disabilities.

Improving equity throughout the aviation system means improving airport accessibility.

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In Washington state, Seattle-Tacoma International Airport was awarded \$10 million for terminal updates to make restrooms more accessible.

In the Washington, D.C., area, Dulles International Airport was awarded nearly \$50 million to construct a new 14-gate concourse to better serve passengers with disabilities.

Regional airports like Dexter Regional in Maine and general aviation airports like Rosecrans Memorial Airport in Missouri are also receiving federal funding to improve accessibility.

I look forward to hearing from our panelists from the aviation sector and disability community advocates on what issues are most pressing and what solutions should be considered.

As we look forward to the 2023 FAA reauthorization bill, this Subcommittee must find ways to enhance the air travel experience for people with disabilities. And this

includes ALL people with disabilities, including people in wheelchairs as well as those who may be deaf, blind or have other types of mental or physical disabilities.

Today's witnesses will provide much-needed insight into the issues facing this community, how U.S. airports and airlines are working to find solutions, and how Congress can be a better partner in these efforts to ensure the future of U.S. air travel remains bright for all passengers.

Thank you, and I look forward to collaboratively tackling these issues.

Mr. LARSEN OF WASHINGTON. And I would now turn to the ranking member, Mr. Graves of Louisiana, for an opening statement.

Mr. GRAVES OF LOUISIANA. Thank you, Mr. Chairman.

And thank you to our witnesses. I appreciate you all being here.

I want to give a special thank you to Representative Langevin for your testimony today, for being here, and for sharing your personal experiences with travel to help improve legislation to ensure that the experience is improved for all passengers.

It is no secret that we fly a lot. Even before the pandemic, flying in this country had a number of challenges. And you often hear people that isolate certain parts of the travel experience. Maybe it is something bad that happened with TSA. Maybe it was their luggage. Maybe it was a bad experience parking or something along those lines. I think what is most important is that we look at this entire experience cumulatively.

I think you have to think about the packing that the families have to do, the getting to the airport, the parking at the lots, the shuttle to the airport, the checking in, potentially paying for baggage, going through security, paying \$10 for water and \$12 for a granola bar at the airport. If you are late, maybe you get to pay a change-of-ticket fee. You have to line up, in many cases, like cattle calls, getting in; sitting in seats that in some cases cause challenges.

Look, this whole experience has to be looked at cumulatively. Then you land at the other airport, and you go through it all over again. We can't look at just one single piece of it. We have to look at the cumulative experience and ensure that every party, whether, again, it is the parking lot vendors, it is the shuttles, it is the airport security, the airports, or other components of the experience, are all working together in a complementary manner and help to decompress that experience, especially for those with additional challenges.

At the end of the day, you have paid hundreds of dollars, or maybe even thousands by the time you add in the tax dollars going to the airports and other entities involved, for the privilege of this experience that, in many cases, as we all know, has negative consequences.

Keep in mind, that is the baseline experience for most passengers. Now, imagine if you are a disabled or differently abled passenger. Individuals with disabilities already face unique challenges in everyday life, and it is especially true during air travel. It is no wonder many disabled passengers choose not to travel by air and, in turn, miss out on important family functions or work opportunities.

We are here to discuss those overwhelming challenges, everything from the check-in kiosk to baggage claim at the destination.

Just last month was the 36th anniversary of the passage of the Air Carrier Access Act, an important piece of legislation that prohibits the discrimination of persons with disabilities during air travel. While great advancement has been made in addressing barriers to access for those in the disability community, as we are going to learn today, many barriers still exist.

In August of this year, there were 195 disability-related complaints reported during air travel—195. Furthermore, there were over 1,000 reports of mishandled wheelchairs or scooters. As air travel continues to grow and be a necessary mode of transportation, it is important that we address these issues.

The 2018 FAA Reauthorization Act included a bipartisan subtitle addressing issues related to aviation consumers with disabilities. As the chairman noted, we covered a number of improvements, including the GAO report that was issued last year recommending some additional actions.

This included establishment of the Air Carrier Access Act Advisory Committee tasked with investigating different aspects of the travel experience and providing recommendations to address air travel needs. It required a review of practices for ticketing, pre-flight assignments, and stowing of assistive devices to ensure that individuals with disabilities receive necessary accommodations. Furthermore, it called for a disabled passengers bill of rights, among other provisions.

It is important to understand what has been accomplished and what work remains to be done as we look forward to the future and decide how we can improve.

Collaboration from the aviation industry and relevant stakeholders, as I noted at the beginning, is absolutely key to this comprehensive experience that air travelers go through whenever they are getting on planes or going to the airports or leaving airports, and I think it is key to our shared goal of addressing issues that passengers with disabilities face. We should continue to work together on provisions in the 2018 FAA reauthorization and ensure that passengers with disabilities have a dignified experience.

[Mr. Graves of Louisiana's prepared statement follows:]

Prepared Statement of Hon. Garret Graves, a Representative in Congress from the State of Louisiana, and Ranking Member, Subcommittee on Aviation

Thank you, Mr. Chairman, and thank you to our witnesses.

It's no secret that, as Members of Congress, we fly a lot. We can all tell you that even before the pandemic, flying in this country had a number of challenges that reflect the cumulative travel experience: getting to the airport, finding parking, shuttling to the airport, the checking-in process, potentially paying for baggage, going through security, paying \$10 for water and \$12 for a granola bar. If you are late, maybe you get to pay a fee for a change in the ticket, and you might be sitting in a seat that isn't exactly the most comfortable. Then you have to land at the other airport, and you go through it all over again.

Keep in mind, that's the baseline experience for most passengers. Now imagine if you are disabled or a differently-abled passenger. Individuals with disabilities already face challenges in everyday life. It is especially true during air travel. It's no wonder many disabled passengers choose not to travel by air and in turn miss out on important family functions or work opportunities.

We are here to discuss those overwhelming challenges, and I want to thank my colleague Rep. Langevin in particular for appearing today to share his personal ex-

perience to support our work of ensuring access to air travel to passengers of all abilities.

Just last month was the 36th anniversary of the passage of the Air Carrier Access Act, an important piece of legislation that prohibits the discrimination of a person with disabilities during air travel. While great advancement has been made in addressing barriers to access for those in the disability community, we are going to learn today many barriers still exist.

In August of this year, there were 195 disability-related complaints reported during air travel. Furthermore, there were over 1,000 reports of mishandled wheelchairs or scooters.

As air travel continues to grow, it's important that we address these issues. The 2018 FAA Reauthorization Act included a specific bipartisan subtitle addressing issues related to aviation consumers with disabilities. As the Chairman noted, we covered a number of improvements including the GAO report that was issued last year recommending some additional actions.

We also established of the Air Carrier Access Act Advisory Committee tasked with investigating different aspects of travel experience and providing recommendations to address air travel needs. It required a review of practices for ticketing pre-flight assignments and stowing of assisted devices, to ensure that individuals with disabilities receive necessary accommodations, and called for a disabled passenger bill of rights among other provisions.

It's important to understand what has been accomplished and what work remains to be done as we look forward to the future and decide how we can improve.

Collaboration throughout the aviation industry is absolutely key to creating this positive comprehensive experience which supports all passengers having a dignified flying experience, and I look forward to building on the 2018 bill ahead of next year's reauthorization of the Federal Aviation Administration.

Mr. GRAVES OF LOUISIANA. Again, thank you, Mr. Chairman, for holding this hearing. I yield back.

Mr. LARSEN OF WASHINGTON. Thank you, Representative Graves.

I now turn to the chair of the full committee, Mr. DeFazio of the great State of Oregon.

Mr. DEFAZIO. Well, thanks, Chair Larsen, for calling this important hearing on improving the air travel experience for passengers with disabilities.

A lot of people don't know that, actually, my background before I got into politics and all that was, I was a rehabilitation counselor. So, I am quite familiar with some of the struggles. And part of our training was we had to spend a week in a wheelchair. In those days, we didn't have curb cuts; it was even worse than it is now. And you really begin to appreciate the struggles of people with disabilities.

It is important to have the stakeholders here today to talk about how we can improve this experience. I mean, the industry is recovering wonderfully. This committee acted to save the airline industry. But, despite that recovery and a lot of profitability, we aren't seeing a big improvement in the experience for passengers with disabilities, and it is past time that that happen.

Just a few examples. Just last month, a passenger was stranded at Orlando Airport for 5 hours after an airline lost their \$22,000 wheelchair. This summer, an airline destroyed another passenger's wheelchair, then significantly damaged his replacement chair 3 weeks later. Earlier this year, a passenger was delayed getting her wheelchair at Newark, only to discover it had been left on the tarmac for nearly an hour. The list goes on and on.

It is not excusable for this to be happening. These are special items, sometimes irreplaceable or nearly irreplaceable items and certainly in the short term. This has got to change.

They say, well, things are better, they only mishandled 1.56 percent. Well, that is 1,057 wheelchairs and scooters in 1 month that have been mishandled, damaged, gone missing, whatever. That is not an acceptable statistic.

And I can only imagine what things would be like if we hadn't, as referenced by the ranking member, in a bipartisan way, if we hadn't included measures in the FAA reauthorization in 2018 creating the Air Carrier Access Act Advisory Committee.

And DOT is still now working on rules to address safety issues relating to assistance with wheelchairs and mobility aids and clarifying airlines' responsibility to provide prompt assistance upon request to passengers with disabilities to navigate within the airport, including examining whether to require hands-on training for airline employees or their contractors who are responsible for helping folks in the airport.

We have, as again referenced by the ranking member, a GAO report about problems, accessible lavatories and others. And we have the first ever Airline Passengers with Disabilities Bill of Rights, which outlines basic protections for passengers with disabilities and responsibilities of the aviation industry under the Air Carrier Access Act.

So, we have made some progress. But, as I mentioned above, there is a lot more to do. I think we could be able to get to the point where they don't lose or damage any assistive devices. I don't think that is too much to ask. There are other issues to be resolved.

It has been three decades—I have been here 36 years, and I was in my second term when the Americans with Disabilities Act was passed, signed by G.H.W. Bush and significantly amended in 2008 and signed by G.W. Bush. This has always been a bipartisan issue, and we should be able to make more progress. We want to give all air passengers a dignified experience, and that includes, obviously, people with disabilities.

So, I want to thank my colleague and friend Jim Langevin for his service, his incredible advocacy on this issue to help move the ball, help to make things better for other passengers with disabilities, and I congratulate him on a job well done. He has served his district well. He is going to retire, as am I, but we are not going to go away on this issue.

So, with that, Mr. Chairman, I yield back.

[Mr. DeFazio's prepared statement follows:]

Prepared Statement of Hon. Peter A. DeFazio, a Representative in Congress from the State of Oregon, and Chair, Committee on Transportation and Infrastructure

Thank you, Chair Larsen, for calling today's hearing on improving the air travel experience for passengers with disabilities.

Three years ago, this subcommittee held the first roundtable on air travel accessibility in its recent history. This is an important issue, and I am pleased that we have convened today's panels of key stakeholders to continue this discussion.

As we all know, the last few years have been turbulent for the U.S. aviation industry with passengers, airlines and airports forced to weather immense uncertainty in the midst of a pandemic. Thanks to the actions of this committee, the U.S. aviation sector is recovering, and air travel is returning to pre-pandemic levels quicker than anyone anticipated.

However, despite this welcome resurgence, it is beyond me that in the year 2022, the air travel experience for passengers with disabilities is not improving at the same pace.

The reported incidents over the last few years are alarming:

- Just last month, a passenger was stranded at the Orlando airport for five hours after a U.S. airline lost their \$22,000 wheelchair;
- This summer, a U.S. airline destroyed another passenger's wheelchair and then significantly damaged his replacement chair only three weeks later; and
- Earlier this year, a passenger was delayed in receiving her wheelchair at Newark airport, only to discover that it had been abandoned on the tarmac for nearly an hour.

And the list goes on and on.

According to the U.S. Bureau of Transportation Statistics, air carriers reported mishandling only 1.56 percent of wheelchairs and scooters last August, which is lower than in the month prior and in August 2019. However, that 1.56 percent represents 1,057 wheelchairs and scooters mishandled in a single month. And I think everyone here today would agree that even one mishandled wheelchair is one too many.

I can only imagine what the circumstances would have been without the measures this committee included in the FAA Reauthorization Act of 2018. As a result of this bipartisan law:

- The Air Carrier Access Act Advisory Committee was established, convening U.S. airlines, disability rights advocates, and other key aviation stakeholders to develop recommendations addressing the air travel needs for passengers with disabilities;
- DOT is working on rules to address safety issues related to assistance with wheelchairs and mobility aids and clarifying airlines' responsibility to provide prompt assistance, upon request, to passengers with disabilities to navigate within the airport, including examining whether to require hands-on training for airline employees and their contractors;
- The Government Accountability Office (GAO) issued reports on the availability of accessible lavatories on commercial aircraft, and accessibility best practices for U.S. airports and airlines; and
- The first-ever "Airline Passengers with Disabilities Bill of Rights" was published, which outlines the basic protections of passengers with disabilities and responsibilities of the aviation industry under the Air Carrier Access Act.

But while we made some progress to improve air travel accessibility under the last reauthorization, it is clear that there is much more to do. As we'll hear today, passengers with disabilities still experience challenges with Transportation Security Administration (TSA) security screenings and airport infrastructure barriers, among other concerns. And I look forward to hearing what we can do to resolve these issues.

For over three decades, the Americans with Disabilities Act and the Air Carrier Access Act have enshrined a fundamental tenet—to prevent discrimination against people with disabilities in all areas of public life. At a time when we're witnessing unprecedented innovation in U.S. aviation, it is unacceptable that longstanding barriers for passengers with disabilities persist.

We must work together to ensure these passengers have a safe and dignified traveling experience, just like anyone else, starting at their arrival at the airport to their final destination.

Before I close, I want to thank my colleague and friend from Rhode Island, Mr. Langevin, for joining us today. Representative Langevin has been a steadfast champion on issues affecting Americans with disabilities for more than two decades. Although our respective tenures in Congress are winding down, his testimony today will provide some much-needed perspective as this committee works to address these challenges in the future.

Thank you again, Chair Larsen, for convening today's hearing. I look forward to hearing from the witnesses.

Mr. LARSEN OF WASHINGTON. Thank you, Mr. Chair. I appreciate that.

We now want to welcome our witness on panel 1: Representative James R. Langevin, representing Rhode Island's Second Congressional District.

Thanks for joining us today. We look forward to your testimony.

As a note to Members, as usual, as a Member, Mr. Langevin will have 5 minutes—maybe a little bit more if you are nice to us, Jim—and won't be subject to questions, but I am sure he will be available on the House floor to answer any questions you have. And then we will proceed directly to the second panel after his testimony.

So, without objection, our witness' full statement will be included in the record. Since it is part of the record, the subcommittee requests that you finish your oral testimony when you can.

So, Representative Langevin, you may proceed.

TESTIMONY OF HON. JAMES R. LANGEVIN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF RHODE ISLAND

Mr. LANGEVIN. Well, thank you, Mr. Chairman.

Chairman Larsen, Ranking Member Graves, chairman of the full committee Peter DeFazio, and distinguished members of the Aviation Subcommittee, I want to thank you for your attention to this important topic and for inviting me to testify before you today.

As a point of personal privilege, if I could just take a moment just to congratulate Chairman DeFazio. Like me, he will be retiring at the end of this year.

Mr. Chairman, I want to thank you for your leadership of this committee but, in particular, your support and attention to people with disabilities, especially given your background in your previous life. I wish you well in your next chapter.

I would also like to thank the other witnesses for being here today and for your ongoing work in support of air travel accessibility.

This issue is deeply personal for me, as you can imagine. I have been a wheelchair user ever since 1980, when an accidental gunshot left me paralyzed. In addition, I am the first quadriplegic ever to serve in the United States Congress.

As you are all well aware, of course, serving in Congress requires a significant amount of air travel. At a minimum, we are expected to travel back and forth between our districts and Washington, DC, whenever the House is in session. My hometown of Warwick, Rhode Island, is approximately 350 miles away from the U.S. Capitol. By train or car, that trip generally takes 6 or 7 hours, respectively, in each direction. By airplane, it takes approximately 1 hour to 1½ hours at most.

As you can see, for me, accessible air travel is a must, because without it, I would not be able to do my job effectively.

Throughout my career, I estimate that I have flown more than 1,000 commercial flights both domestically and internationally, the vast majority of which have been without issue. However, flying as a wheelchair user, even when everything goes as planned, is a complex process that typically involves reserving accommodations in advance, making multiple surface transfers while boarding and deplaning, as well as having my chair brought from the gate of the—opening of the door of the plane, up a jetway, on an elevator, then into the belly of the plane, and then the reverse process when I land, and, of course, on the plane, restricted mobility while onboard the aircraft.

The best case scenario is an exhausting trip. However, when something goes wrong, the consequences can range from inconvenient to catastrophic.

Since 1986, the Air Carrier Access Act has served to protect the rights and safety of air travelers with disabilities. Despite the protections afforded by this law, people with disabilities continue to encounter significant barriers when they fly. This includes damage to assistive devices and wheelchairs, denied boarding, delayed assistance, poor communication, and a lack of accessible seating accommodations—all things that I have personally experienced.

In the past year alone, I have been wrongfully denied boarding on multiple occasions because of my wheelchair's lithium-ion batteries, despite presenting documentation that they met all applicable safety standards as determined by the Federal Aviation Administration.

Lithium-ion batteries are becoming increasingly prevalent in assistive devices, which means that these incidents will only occur more often. That is why I am working to introduce a bill that I call the WHEELChairs on Airplanes Act to ensure that our airlines' policies with lithium-ion batteries in wheelchairs and other assistive devices are no more restrictive than applicable FAA safety standards.

On another occasion several years ago, I remember watching through the airplane window as a baggage handler was sending my wheelchair up to the jet bridge on the belt loader. They placed it on the belt loader without holding it or locking it in place, and I watched as it rolled off the belt loader as the belt loader was raised to the jetway, as it crashed down to the ground.

Well, I have to tell you, I still get an uneasy feeling every time my wheelchair is brought out of the cargo hold. After all, if it is damaged, I am stranded. My wheelchair is essentially my legs.

As you will hear from other witnesses today, my experiences are not unique. In fact, in 2018 alone, passengers in the United States filed more than 36,000 disability-related complaints with airlines. I think we can all agree that the status quo is unacceptable.

So, that is why I have been working to improve air travel accessibility throughout my time in Congress. For example, I introduced language during the 115th Congress to create an Airline Passengers with Disabilities Bill of Rights. With the support of this committee, that language became law as part of the FAA Reauthorization Act of 2018, and I thank you.

This Congress, I introduced H.R. 1696, the Air Carrier Access Amendments Act, with Representatives Titus and Cohen, both of whom serve on this subcommittee, and I thank them for their partnership.

And, in closing, H.R. 1696 proposes a two-pronged solution. Namely, it would improve air travel accessibility while holding airlines accountable when they violate passengers' rights.

Overall, we must work to break down all barriers in our society so that people with disabilities can live more full and independent lives. Air travel must be a part of that effort.

With that, I would like to thank you once again for your attention to this important issue as well as the opportunity to testify.

Thank you, Mr. Chairman, for your leadership and your support.
Thank you.

[Applause.]

[Mr. Langevin's prepared statement follows:]

**Prepared Statement of Hon. James R. Langevin, a Representative in
Congress from the State of Rhode Island**

Chairman Larsen, Ranking Member Graves, and members of the Aviation Subcommittee, thank you for your attention to this important topic, and for inviting me to testify before you. I'd also like to thank the other witnesses for being here today, and for their ongoing work in support of air travel accessibility. As a person living with a disability, this issue is deeply personal to me. I have been a wheelchair user since 1980 when an accidental gunshot left me paralyzed. In addition, I am the first quadriplegic to ever serve in the United States Congress.

As all of you are well aware, serving in Congress requires a significant amount of travel. At a minimum, we're expected to travel back and forth between our districts and Washington, D.C., whenever the House is in session. My hometown of Warwick, Rhode Island—where I still live today—is approximately 350 miles away from the U.S. Capitol. By train or car, that trip generally takes more than six or seven hours, respectively, in each direction. By airplane, it takes approximately one hour. As you can see, for me, accessible air travel is a must. In fact, I can confidently say that without it, I would not be able to do my job effectively.

Throughout my career, I can reasonably estimate that I've flown on more than 1,000 commercial flights both domestically and internationally, the vast majority of which have been without issue. However, flying as a wheelchair user—even when everything goes as planned—is a complex process that typically involves reserving accommodations in advance, making multiple surface transfers while boarding and deplaning, and restricted mobility while on board the aircraft. The best-case scenario is an exhausting trip. However, when something does go wrong, the consequences can range from inconvenient to catastrophic.

Since 1986, the Air Carrier Access Act and its implementing regulations have served to protect the rights and safety of air travelers with disabilities. Despite the protections afforded by this law, people with disabilities continue to encounter significant barriers when they fly. This includes damaged assistive devices and wheelchairs, denied boarding, delayed assistance, poor communication, and a lack of accessible seating accommodations—all things that I have personally experienced.

In the past year alone, I've been wrongfully denied boarding on multiple occasions because of the lithium-ion batteries that power my wheelchair, despite presenting documentation that my wheelchair meets all applicable safety standards as determined by the Federal Aviation Administration (FAA). Lithium-ion batteries are becoming increasingly prevalent in wheelchairs and other assistive devices, which means these incidents will only begin to occur more often. That's why I'm working to introduce a bill that I call the Working to Help Ensure Equity for Lithium-ion-powered Chairs on Airplanes Act, or the WHEELChairs on Airplanes Act. This bill will ensure that airlines' policies for lithium-ion batteries in wheelchairs and other assistive devices are no more restrictive than applicable FAA safety standards.

On another occasion when I flew to Omaha, Nebraska, several years ago, I remember watching through the airplane window as baggage handlers were taking my wheelchair out of the cargo hold to send it up to the jet bridge. They placed it on a belt loader without holding it or locking it in place, and I watched as it rolled off the belt loader and crashed down to the ground. I still get an uneasy feeling every time my wheelchair is brought up out of the cargo hold—I always wonder if it's going to make it back to me in one piece. After all, if it gets damaged, I'm stranded. My wheelchair is essentially my legs.

As you will hear from other witnesses today, my experiences are not unique or even rare. In fact, in 2018 alone, passengers in the United States filed more than 36,000 disability-related complaints with airlines. I think that we can all agree that this status quo is unacceptable, and that air travelers with disabilities should not face these kinds of barriers when they fly. That's why I've been working to improve air travel accessibility throughout my time in Congress. For example, I introduced language during the 115th Congress requiring the Department of Transportation to create an "Airline Passengers with Disabilities Bill of Rights." With the support of this committee, that language became law as part of the FAA Reauthorization Act of 2018.

This Congress, I introduced H.R. 1696, the Air Carrier Access Amendments Act, with Representatives Dina Titus and Steve Cohen, both of whom serve on this subcommittee, and I thank them for their partnership. H.R. 1696 proposes a two-pronged solution: Namely, it would improve air travel accessibility while holding airlines accountable when they violate passengers' rights. To improve accessibility, it would direct the U.S. Access Board to issue updated standards for new and existing aircraft, as well as airport facilities, airline websites, and kiosks. For accountability, it would impose mandatory civil penalties for rights violations, and establish a private right of action so that passengers can have their day in court to enforce the law.

Overall, we must work together to break down all barriers in our society so that people with disabilities can live more full and independent lives in their communities. Air travel must be a part of that effort. With that, I would like to thank you once again for your attention to this important issue, as well as the opportunity to testify.

Mr. LARSEN OF WASHINGTON. Jim, we are going to miss you here on Capitol Hill. And Rhode Island will be better for it, for you being back home, but we don't want you to be a stranger as well.

Mr. LANGEVIN. Thank you, Mr. Chairman. I appreciate your words.

Mr. LARSEN OF WASHINGTON. And thanks for setting up the rest of the panel discussion for us, the rest of the hearing discussion for us, with your testimony.

We will take a few minutes for the Representative to move and clear some space, and we will ask the second panel to come up.

So, we will get started on our second panel. I want to welcome the second panel. I will just introduce them in order before we move to their statements.

We have Heather Ansley, who is the associate executive director of government relations with the PVA, Paralyzed Veterans of America; Brian Ryks, the executive director and CEO of the Metropolitan Airports Commission, on behalf of the Airports Council International-North America; Matt Scott, who is joining us online, a three-time Paralympic medalist with Team U.S.A.; Heather Krause, the Director of Physical Infrastructure at the Government Accountability Office; and also joining online, Graham Keithley, vice president and associate general counsel of Airlines for America, A4A.

Thanks, all, for joining us today. We all look forward to your testimony.

Without objection, our witnesses' full statements will be included in the record.

And since that is the case, the subcommittee does request that you limit your oral testimony to 5 minutes. If you were Members of Congress, we would give you more time, but 5 minutes.

So, with that, Ms. Ansley, you may proceed.

TESTIMONY OF HEATHER ANSLEY, ASSOCIATE EXECUTIVE DIRECTOR OF GOVERNMENT RELATIONS, PARALYZED VETERANS OF AMERICA; BRIAN RYKS, EXECUTIVE DIRECTOR AND CHIEF EXECUTIVE OFFICER, METROPOLITAN AIRPORTS COMMISSION, ON BEHALF OF AIRPORTS COUNCIL INTERNATIONAL-NORTH AMERICA; MATT SCOTT, THREE-TIME PARALYMPIC MEDALIST, TEAM U.S.A.; HEATHER KRAUSE, DIRECTOR, PHYSICAL INFRASTRUCTURE, U.S. GOVERNMENT ACCOUNTABILITY OFFICE; AND GRAHAM KEITHLEY, VICE PRESIDENT AND ASSOCIATE GENERAL COUNSEL, AIRLINES FOR AMERICA

Ms. ANSLEY. Thank you, Chairman Larsen, Ranking Member Graves, and members of the subcommittee. Paralyzed Veterans of America thanks you for the opportunity to testify about the problems passengers with disabilities encounter in air travel.

The Air Carrier Access Act, or the ACAA, was signed nearly 40 years ago and prohibits disability-based discrimination in air travel. Unfortunately, the air travel experience of passengers with disabilities, particularly for wheelchair users, is at best frustrating and at worst unsafe.

In a survey completed last December, one passenger said, quote, “I am tired of getting dropped when transferring from my chair to the transfer chair on an airplane.” Another said, quote, “The risk of damage to my wheelchair is too great—my wheelchair is my legs, and if I arrive at my destination and find it damaged, there are serious consequences to me.”

When a wheelchair is lost, damaged, or delayed, it is a significant and serious problem for the individual who relies on it. A broken chair can mean the end of the trip or even weeks or months of using a loaned wheelchair. Not having access to a proper wheelchair can lead to further injury or even death.

In 2021, air carriers enplaned over 500,000 wheelchairs and scooters and mishandled over 7,000. Although the rate of mishandled devices may seem low, those affected are completely disenfranchised from their daily lives until their device has been repaired, located, or replaced.

In the next FAA reauthorization, we would like to see requirements for the Department of Transportation to provide greater analysis and aggregation of the data, including separating incidents related to manual wheelchairs, power wheelchairs, and scooters, to look for trends as well as develop solutions to address areas of specific concern focused on attacking the root cause of mishandled assistive devices.

The industry’s recovery following the COVID pandemic has only escalated our concerns. Since just this spring, we have heard reports from our members about insufficient numbers of people being sent to physically lift them during the boarding and deplaning process; misplaced wheelchairs that resulted in injury and humiliation due to lack of bathroom access; and broken wheelchairs, delayed repairs to those chairs, and even a threat to contact law enforcement if a PVA member refused to deplane before his wheelchair was available to him.

Sadly, these are not isolated incidents. Indignant treatment is normal.

Passengers with disabilities often find they have limited recourse in these situations. They may share their frustration on social media and file a complaint with the specific airline and/or the Department of Transportation, and the Department can issue cease-and-desist orders and levy civil penalties for violations. However, the largest financial penalty in recent years was in 2016 for \$2 million.

The major problem with commercial air travel is that aircraft are required to have very few accessible features. Wheelchair users in commercial air travel must have their highly customized, expensive devices stowed for the flight. This leaves baggage handlers to figure out how to fit these devices into cargo holds that are not designed to receive or stow them. It also leaves the passengers who depend on them stressed and worried that their device will not be returned to them either in a usable condition or perhaps even at all.

PVA urges Congress to make systemic improvements in air travel in the next FAA reauthorization by including the Air Carrier Access Amendments Act, which was introduced by Representative Langevin. This legislation would ensure new airplanes meet design standards that accommodate the needs of people with disabilities.

Additionally, it would require removal of access barriers on existing airplanes, only if it can be done without much difficulty or expense. The legislation would also strengthen enforcement by requiring referral of certain passenger-filed complaints to the Attorney General and establishing a private right of action.

Passengers will continue to be injured and wheelchairs mishandled until travelers can stay safely seated in their devices. Thus, we call on Congress to include language in the next reauthorization directing appropriate agencies and administrations to take the steps outlined in a September 2021 report on in-cabin wheelchair restraint systems. If the remaining issues are properly addressed, Congress should require the Department to promulgate regulations implementing requirements for in-cabin wheelchair securement.

Until then, the air carriers must improve training and provide job aid materials for wheelchair attendants who lift passengers and baggage handlers who are responsible for loading wheelchairs on and off the aircraft. DOT must also increase its enforcement.

We believe that improved training, increased aircraft accessibility, and stronger enforcement will lead to safer travel experiences for passengers with disabilities both now and in the future. PVA hopes that we can all agree that disabled passengers, including disabled veterans, have waited long enough.

Thank you for this opportunity to express our views. I would be happy to answer any questions.

[Ms. Ansley's prepared statement follows:]

**Prepared Statement of Heather Ansley, Associate Executive Director of
Government Relations, Paralyzed Veterans of America**

Chairman Larsen, Ranking Member Graves, and members of the Subcommittee, Paralyzed Veterans of America (PVA) thanks you for holding this important hearing on improving the experience of air travel passengers with disabilities. PVA is a congressionally chartered veterans service organization. All of PVA's members are honorably discharged veterans who have incurred a spinal cord injury or disorder. Vir-

tually all PVA members use wheelchairs or other assistive devices for mobility, and have a significant interest in ensuring that commercial air travel is safe and dignified for all people with disabilities.

President Ronald Reagan signed the Air Carrier Access Act (ACAA) into law nearly 40 years ago. The ACAA, which prohibits disability-based discrimination in air travel, was passed following a U.S. Supreme Court decision in *Department of Transportation v. Paralyzed Veterans of America*, 477 U.S. 597 (1986). In this case, the Court held that air carriers were not subject to Section 504 of the Rehabilitation Act of 1973,¹ as amended, unless they received direct federal financial assistance. PVA subsequently led the advocacy efforts to ensure congressional passage of protections that would finally prohibit discrimination against people with disabilities in air travel.

The ACAA did improve equal opportunity for passengers with disabilities. Prior to its passage, ticketed passengers could be denied boarding without recourse simply because they were disabled. With the passage of the law, air carriers were required to provide passengers with disabilities the opportunity to preboard, if additional time or assistance is needed to board the aircraft; timely assistance in boarding and deplaning; proper stowage of assistive devices; and appropriate seating accommodations.

Despite these improvements, the air travel experience for passengers with disabilities, particularly wheelchair users, is at best frustrating and at worse unsafe. Wheelchair users must surrender their customized wheelchair for stowage either in cargo or, in the case of certain manual wheelchairs, the cabin. The passenger must then be transferred to an aisle chair that allows them to enter the aircraft and traverse the aircraft's aisle, which is very often narrower than the passenger being pushed through it. Aisle chairs are devices designed solely to navigate the aisle without regard for the passenger who must use it to board or deplane the aircraft. The chairs are poorly designed to accommodate passengers because they have limited padding, cannot be propelled by the user, and are prone to tipping. Throughout this process, passengers are assisted by airline staff or, more frequently, their contractors. Many of these individuals have limited training, are unable to effectively communicate with the passengers, and are required to lift and transfer individuals with significant disabilities without sufficient staffing and other resources. The process is not designed to meet the needs of passengers with disabilities. It is precarious and has resulted in passenger injuries and deaths.

In October 2021, PVA marked the 35th anniversary of the passage of the ACAA by working with other organizations to survey the current experience of passengers with disabilities in air travel.² The purpose of the survey was to gather information to inform our advocacy to improve the air travel experience for all passengers with disabilities. Between October 4–December 6, 2021, 1,262 individuals responded to the survey, which covered a wide variety of accommodations for passengers with disabilities. Some questions were not applicable to all travelers and their responses were removed from the data to depict the accurate experience of passengers who need particular types of accommodations.

The results of the survey supported the anecdotal reports we regularly receive from wheelchair users. Over half of the survey respondents had flown in the past 12–24 months, despite COVID which deterred many passengers from traveling, and the vast majority noted that they typically fly once or twice a year. Approximately nine percent indicated, however, that they do not fly. One respondent said, “I am tired of getting dropped when transferring from my chair to the transfer chair on an airplane.” Another passenger said, “I stopped traveling by air because the transferring to and sitting in airline seating is too hard on my body.” Still another said, “the risk of damage to my wheelchair is too great—my wheelchair is my legs, and if I arrive at my destination and find it damaged, there are serious consequences to me.”

Although many respondents reported traveling by air, we asked them to select from a list of reasons those that might cause them to avoid it. Of the more than 1,000 respondents, many were overwhelmingly concerned with physical barriers that they would face during a flight. The top reason to avoid air travel was concerns about wheelchair damage. A related concern, passengers also reported being afraid for their personal safety in transferring from their wheelchair to an aisle chair and

¹ Section 504 of the Rehabilitation Act prohibits recipients of federal funds from excluding or denying individuals with disabilities an equal opportunity to benefit from federally funded programs and services.

² Paralyzed Veterans of America, *The ACAA Survey: Overview of Survey Results Regarding the Air Travel Experience of Passengers with Disabilities*, <https://pva.org/wp-content/uploads/2022/09/2022-ACAA-Survey-Results-FINAL.pdf>.

into an aircraft seat. Not being able to use an aircraft lavatory because it is inaccessible also ranked high on the list of reasons to avoid air travel. In fact, lack of lavatory access, even on a cross country flight, was reason enough for nearly 60 percent of respondents to avoid air travel unless absolutely necessary.

When a wheelchair is lost, damaged, or delayed, it is a significant and serious problem for the individual who relies on that device for their health, mobility, and independence. It can mean the end of the trip as the individual is forced to forgo the entire reason for their travel while they wait on the repair of their wheelchair. It can also mean weeks or months of having to use a loaned wheelchair that is not designed to fully meet their ongoing health needs. Not having access to a proper wheelchair can actually lead to further injury to the individual, like developing sores that can result in long hospitalization stays. In the short term, it can mean not having a safe seating surface while you deal with the damage to your wheelchair or wait for a delayed wheelchair to be returned.

Of those who reported traveling with a wheelchair or scooter, almost 70 percent of respondents reported having experienced damage to their assistive device. Furthermore, almost 56 percent of passengers said that they had experienced delays in the return of their wheelchair or scooter. Also, 17 percent reported having their wheelchair or scooter lost and 28 percent reported losing an accessory such as a guard that protects the wheelchair user's clothing.

We asked respondents about whether they needed to use an aisle chair to board and deplane the aircraft. Over half of those who took the survey needed this type of assistance. Many reported that aisle chairs are difficult or unsafe to use. One passenger described the aisle chair as, "extremely awkward to sit in. My feet would not stay on the platform and would drag on the floor when they pulled me." Other passengers reported that personnel were not properly trained to assist them in using the aisle chair. Specifically, 16 percent of respondents reported being dropped and 23 percent reported being injured. One passenger said, "the attendants rarely know how to transfer or to strap me in."

Airlines often state that they would be able to properly assist passengers with disabilities if they would alert them prior to arrival at the airport that they will be traveling with a wheelchair or scooter and any type of assistance needed. In our survey, 83 percent of passengers said that they always alert the airline of their needs when they purchase their ticket. This leads us to believe that information provided by passengers too often does not get relayed to airline personnel and contractors for the day of travel.

The industry's recovery following the COVID pandemic has only escalated the number of incidents reported by PVA members. Since this spring, we have heard reports of insufficient staffing to perform lifts of passengers during the boarding and deplaning process, misplaced wheelchairs that result in injury and humiliation due to lack of bathroom access, broken wheelchairs, and even a threat to contact law enforcement if a PVA member refused to deplane before his wheelchair was available. These are not isolated incidents. An August 2022 New York Times article, "Embarrassing, Uncomfortable and Risky: What Flying is Like for Passengers Who Use Wheelchairs,"³ documented the difficulties PVA National President Charles Brown experienced while traveling by air. Sadly, indignant treatment is normal for PVA members and other individuals with mobility impairments.

Passengers with disabilities who encounter disability-related problems in air travel often find that they have limited recourse. They may share their frustration on social media and file a complaint with the specific air carrier and/or the U.S. Department of Transportation (DOT). The Department can issue cease and desist orders and levy civil penalties for ACAA violations; however, the largest financial penalty in recent years was in 2016 for \$2 million.⁴ That fine, much of which was credited to the carrier, was an anomaly. In 2019, the most recent year for which statistics are available, passengers filed 42,418 disability-related complaints as reported by 186 domestic and foreign air carriers, which represents an almost 15 percent increase over 2018. That same year, passengers filed 905 disability-related complaints directly with DOT. In 2021, the most recent year for which statistics are available, passengers filed 1,394 complaints with DOT.

Since December 2018, large domestic air carriers have been required to submit monthly reports on the number of wheelchairs and scooters they enplane and the number subsequently mishandled (lost, damaged, or delayed). In 2019, air carriers

³Amanda Morris, *Embarrassing, Uncomfortable and Risky: What Flying Is Like for Passengers Who Use Wheelchairs*, N.Y. Times, Aug. 8, 2022, https://pva.org/wp-content/uploads/2022/08/NYT-Embarrassing-Uncomfortable-and-Risky_08.08.2022.pdf.

⁴U.S. Department of Transportation, *United Airlines, Inc. Order 2016-1-3*, <https://www.transportation.gov/airconsumer/eo-2016-1-3>.

enplaned 685,792 wheelchairs and scooters and mishandled 10,548, a rate of 1.54 percent. In 2021, air carriers enplaned 532,306 and mishandled 7,239, a rate of 1.36 percent. Although the rate of mishandled wheelchairs may appear to be low, those affected are completely disenfranchised from their daily lives until their device has been repaired, located, or replaced. They might be forced to miss work, school, family obligations, social activities, medical appointments, or other activities of daily life. Or as in the case of disability advocate Engracia Figueroa be forced to use an ill-fitting wheelchair that resulted in medical complications that led to her untimely death in October 2021, three months after her flight.

The major problem with commercial air travel is that aircraft are required to have very few accessibility features to accommodate passengers with disabilities. Today, there are no wheelchair spaces on airplanes but that is not the case on Amtrak, buses, and subways. Instead, wheelchair users in commercial air travel must have their highly customized, expensive devices stowed for the flight. This leaves baggage handlers to figure out how to fit these devices into cargo holds not designed to receive or stow them. It also leaves the passengers who depend on assistive devices stressed and worried that their device will not be returned to them either in a usable condition or even perhaps at all.

Passengers will continue to be injured and wheelchairs delayed, damaged, or lost until travelers can stay safely seated in their devices. Commercial air travel, unlike other forms of mass transportation, has for too long been given special dispensation to be inaccessible. People with disabilities will not be able to effectively compete for jobs, vacation with their families, or seek needed medical care until safe and dignified air travel is guaranteed for all passengers with disabilities.

Until aircraft wheelchair spaces are available across the commercial air travel system, air carriers must improve training and provide job aid materials for workers. Areas of focus include wheelchair attendants who assist with transferring passengers with disabilities and handlers who are responsible for loading wheelchairs on and off the aircraft. DOT must also increase enforcement and assess penalties when violations occur.

In order to improve the current experience of passengers with disabilities, PVA submitted a request for rulemaking to DOT in February 2022. Our request asked DOT to address issues concerning assistance provided to passengers who use aisle chairs, information airlines are required to collect related to incidents in boarding and deplaning, and how airlines assist passengers when a wheelchair or scooter is mishandled. PVA called on DOT to act on the petition during a public meeting the Department held in March 2022 in response to the plight of wheelchair users following Ms. Figueroa's death.

We believe the Department should require air carriers to have specific personnel who are highly trained in transfer techniques and the use of boarding and deplaning devices. The training provided to these assistants must be "hands on" and assistants must receive an annual certification of their skills, including their ability to follow directions from passengers about how to effectively and safely assist them. In addition, the assistants must be given properly maintained equipment that meets standards that address not only the needs of the airline, but also the needs of the passenger and the assistants.

Additionally, DOT must require airlines to provide ramp personnel with the proper equipment to safely enplane and deplane assistive devices. The Department must also establish a timeline for airlines to replace or repair a wheelchair or other assistive device or provide compensation for a device's damage, as well as requiring air carriers to provide adequate interim accommodations. DOT must also clarify that the ACAA requires air carriers to return all wheelchairs and other assistive devices in the condition in which they were surrendered by the passenger.

Although we strongly support recent airline commitments⁵ to improve the experience of wheelchair users, we also strongly believe that the Department must move forward in promulgating new regulations to better protect wheelchair users. DOT has indicated that a proposed rule will be published in February 2023. We call on the Department to expeditiously address this rulemaking as 40 years of history have shown us that Department action is necessary to make industry-wide improvements.

For instance, PVA has long been involved in efforts to provide passengers with disabilities access to lavatories on single-aisle aircraft. The health consequences of not being able to access a lavatory inflight are significant. If lavatories are going to be made available on commercial aircraft, then they should as a matter of safety and dignity be accessible to all passengers.

⁵ Airlines for America, Airlines' Commitment to Accessibility, <https://www.airlines.org/accessibility/>.

The 2018 FAA Reauthorization Act required the U.S. Government Accountability Office (GAO) to study lavatory access on aircraft, including access for passengers with disabilities. GAO's January 2020 report on the accessibility of U.S. aircraft lavatories for people who have limited mobility found that although accessible lavatories are available, "carriers do not often choose to acquire them."⁶ Furthermore, of the top eight domestic airlines, only 4.5 percent had accessible lavatories on single-aisle aircraft. Four of those airlines had zero accessible lavatories.

Despite years of delays, DOT finally published a notice of proposed rulemaking earlier this year that would require larger single-aisle aircraft to have an accessible lavatory. A passenger would be able to enter the lavatory using an onboard wheelchair with an assistant and close the door. The proposed timeline for implementation is quite lengthy. The requirement would apply to aircraft ordered 18 years after the date of the final rule or 20 years delivered. PVA was a member of the negotiated rulemaking committee in 2016⁷ that agreed to this timeline. We agreed to the lengthy time frame because it had already been 30 years since the passage of the ACAA and almost no steps had been taken to provide access to something as basic as a lavatory. We needed to have a time certain for access. Since air carriers have been on notice for the last six years that this requirement was coming, we believe that as a matter of equity DOT should shorten the implementation timeline to 12 years ordered, 14 years delivered. DOT has indicated that it plans to publish a final rule in spring 2023, meaning that even in a best-case scenario it will still be decades until the requirement is fully implemented.

In addition to lavatory access, the 2018 FAA Reauthorization included multiple provisions specifically focused on improving access to air travel for people with disabilities. Provisions included the creation of a committee to advise the DOT Secretary on issues of concern to passengers with disabilities, development of a passengers with disabilities bill of rights, implementation of a wheelchair data collection rule, and a requirement for a study to determine the feasibility of in-cabin wheelchair restraint systems. The 2018 Reauthorization also required DOT to review existing regulations related to timely, dignified, and effective assistance as well as those that govern pre-flight seat assignments and stowing of assistive devices.

In 2019, DOT Secretary Elaine Chao appointed the first ACAA Advisory Committee. The Committee, which included airline and airport representatives; wheelchair manufacturers; and veterans, disability, and service animal organizations met between March 2020 and September 2021. Its focus consisted of reviewing DOT's draft of the passengers with disabilities bill of rights and participation in one of three subcommittees: ticketing practices and seating accommodations, stowage of assistive devices, and assistance at airports and on aircraft and related training. The Committee's final report was submitted to DOT Secretary Pete Buttigieg earlier this year. The report focused on the recommendations related to the work of each Subcommittee and included those recommendations that could be agreed to by stakeholders. As a result, many of the recommendations reference the need for further study of the issues or adoption of best practices. PVA was honored to serve on the Committee and hopes it will be reauthorized.

In July 2022, DOT released the "Airline Passengers with Disabilities Bill of Rights." The Bill of Rights outlines ten fundamental rights of passengers with disabilities and the obligations of airlines and their contractors under the ACAA. It does not expand air carriers' ACAA obligations or establish new rights under the law. Some of the protections outlined in the Bill of Rights include the requirement for airlines to treat passengers with dignity and respect and provide prompt, timely assistance using properly trained assistants. Airlines are required to train their personnel on the Bill of Rights and provide it to passengers who alert the airline of the need for disability-related assistance. PVA hopes it will both empower and educate air travelers with disabilities; thus, helping to hold airlines more accountable

⁶U.S. Gov't Accountability Off., GAO-20-258, Aviation Consumer Protection, Few U.S. Aircraft Have Lavatories Designed to Accommodate Passengers with Reduced Mobility 14 (2020), <https://www.gao.gov/products/gao-20-258>.

⁷DOT first proposed conducting a negotiated rulemaking concerning accommodations for air travelers with disabilities regarding several issues, including accessible lavatories and inflight entertainment, in 2015. In May 2016, DOT established the Advisory Committee on Accessible Air Transportation to negotiate and develop a proposed rule. During the first meeting, and as noted in the Committee's Ground Rules, the Department informed the Advisory Committee that if it came to a consensus on the terms of the proposed rule, the Department "would act in good faith to issue a proposed rule that reflects those terms as closely as possible." In November 2016, the Committee came to an agreement that would increase access to inflight entertainment for passengers with disabilities. The most recent DOT significant rulemaking report provides no date for issuance of the inflight entertainment rule. We believe that the 2023 FAA Reauthorization Act should require DOT to promulgate this regulation within 60 days of enactment.

for ACAA compliance. It is too early to tell if it has had the intended effect but we are hopeful it will improve the air travel experience.

The 2018 FAA Reauthorization also required implementation of a DOT final rule on collection of data related to wheelchairs and scooters. As previously mentioned, beginning in December 2018, large domestic airlines were required to begin collecting and reporting to DOT the number of wheelchairs and scooters enplaned and subsequently mishandled (damaged, delayed, or lost). In the next FAA Reauthorization, we would like to see requirements for DOT to provide greater analysis and aggregation of the data, including separating incidents related to manual wheelchairs, power wheelchairs, and scooters, to look for trends, as well as develop solutions to address areas of specific concern focused on attacking the root cause of mishandled assistive devices.

One of the 2018 Reauthorization provisions focused squarely on changing the future of air travel was a requirement for the U.S. Access Board to conduct a study to determine the feasibility of in-cabin wheelchair restraint systems. Many wheelchair users would like to be able to fly while seated in their personal wheelchairs. For some passengers, it is hoped that being able to stay in their wheelchairs would keep it from getting lost or damaged, prevent delays, and keep the passengers from injuries in the transfer process. Other wheelchair users require the support provided by their wheelchair and simply are not able to safely fly in a typical passenger seat.

The Access Board carried out the requirement to conduct the study through the National Academy of Sciences' Transportation Research Board (TRB). In September 2021, the Access Board held a public briefing on the study's results. Advocates were very excited to learn that the TRB study⁸ was unable to "identify any issues . . . that seem likely to present design and engineering challenges so formidable that they call into question the technical feasibility of an in-cabin wheelchair securement system and the value of exploring the concept further." The study acknowledged that further assessment was needed, "particularly to understand how secured personal wheelchairs are likely to perform relative to FAA's security criteria in restraining and protecting occupants during a survivable airplane crash or emergency landing," and called on DOT and FAA to undertake research on these issues. It also called on the Access Board to assess demand from people with disabilities to fly while seated in their wheelchairs to inform the number of aircraft that would need to be modified to provide meaningful access, assuming remaining feasibility questions are satisfied. In July 2022, on the anniversary of the Americans with Disabilities Act (ADA), DOT Secretary Buttigieg announced that the Department would take steps necessary to move toward an eventual rule that would allow passengers to fly while seated in their wheelchairs, which PVA strongly supports.

We call on Congress to include language in the next FAA Reauthorization directing appropriate agencies and administrations on completion of the next milestones and providing funding necessary to accomplish them. If the remaining issues are addressed in a way that does not call into question the technical feasibility of the concept, the 2023 FAA Reauthorization Act should also require DOT to promulgate regulations implementing requirements for in-cabin wheelchair securement. We would also support inclusion of tax credits or other incentives to facilitate expedited adoption by air carriers.

The disability-related provisions in the 2018 FAA Reauthorization Act represented an important step forward in efforts to improve the air travel experience of passengers with disabilities. However, these provisions alone simply will not address the fundamental access problems to safe air travel for people with disabilities. PVA urges Congress to make a strong, bold statement on the need to make systemic improvements in air travel that will improve disability access to air travel and improve enforcement.

Many of the difficulties that travelers with disabilities encounter in air travel are because the ACAA and its implementing regulations do not sufficiently provide for safe, dignified access. Specifically, the ACAA does not require aircraft to provide even basic accessibility for passengers with disabilities, particularly those who use wheelchairs. As a result, they often have no accessible path of travel on the aircraft to safely board and reach an airline seat and wheelchairs are loaded into aircraft cargo pits not designed to fit these highly complex assistive devices. Other modes of public transportation are covered by the ADA, which requires compliance with standards that accommodate passengers with disabilities. Thus, other forms of mass transportation in the United States are more accessible to people with disabilities, including those who use wheelchairs.

⁸Transportation Research Board, Technical Feasibility of a Wheelchair Securement Concept for Airline Travel: A Preliminary Assessment, <https://www.access-board.gov/files/research/trb-final-report-sept2021.pdf>.

We strongly support the Air Carrier Access Amendments Act (ACAAA), H.R. 1696, which was introduced by Rep. Jim Langevin (D-RI). This legislation would greatly improve accessibility within air travel by making the following improvements:

- Ensure new airplanes are designed to accommodate the needs of people with disabilities by requiring airlines to meet defined accessibility standards. These standards will address safe and effective boarding and deplaning, visually accessible announcements, seating accommodations, and better stowage options for assistive devices; and
- Require removal of access barriers on existing airplanes to the extent that it is readily achievable, easily accomplishable, and may be done without much difficulty or expense.

We strongly believe that failure to include these changes in the next FAA Reauthorization will mean passengers with disabilities will continue to encounter barriers to air travel that make it extremely difficult to fly safely, particularly for those who use wheelchairs. It is time for air carriers to fully accommodate the needs of passengers with disabilities, including those who use wheelchairs. It is one of the few areas of sanctioned discrimination against a minority group in transportation. As the population ages, the need for greater accessibility in air travel will only continue to grow. All fare paying customers should be able to independently access aircraft without depending on unsafe, inefficient assistance. Only then will air travel truly be a viable option for all Americans.

The ACAAA would also strengthen ACAA enforcement by requiring referral of certain passenger-filed complaints to the Department of Justice and establishment of a private right of action. The requirement for DOT to refer certain ACAA complaints to the Attorney General would appropriately recognize that the ACAA is not a customer service standard but a civil right. The Attorney General would then be able to pursue a civil action on behalf of a passenger.

The administrative remedies currently available provide little relief and have netted few improvements for passengers with disabilities. Establishing a private right of action would institute additional remedies, without removing DOT's role in the administrative process. It would also provide relief directly to passengers with disabilities. Furthermore, the private right of action would allow for injunctive relief to foster policy changes that would allow passengers and airlines to partner together to make changes that would benefit all passengers with disabilities.

We believe that increased aircraft accessibility, and improved enforcement options will lead to safer travel experiences for passengers with disabilities both now and in the future. In fact, nearly 10,000 messages have been sent to Congress urging passage of the ACAAA. PVA members and other people with disabilities have waited long enough for safe access to air travel. We know how to improve the experience of passengers with disabilities. We simply need to have "the will to do it."

It's also important to note that there is an important business case for improving access to air travel. Over 75 percent of all respondents from the survey referenced earlier said that if the air travel experience of passengers with disabilities improved they would fly at least a few times a year. Fifteen percent of respondents would even fly monthly. Thus, addressing air travel problems is not only required for equity it is also a smart business decision.

PVA thanks you for this opportunity to express our views. I would be happy to answer any questions.

Mr. LARSEN OF WASHINGTON. Thank you very much for the testimony.

I now turn to Mr. Brian Ryks of the Metropolitan Airports Commission.

You are recognized for 5 minutes.

Mr. RYKS. Good morning, Chairman Larsen. Good morning, Chairman DeFazio and Ranking Member Graves. Thank you for inviting me here this morning to talk a little bit about the important issue of the commercial airport perspective relative to improving accessibility in air travel.

In addition to serving as the executive director and CEO with the Metropolitan Airports Commission, which owns and operates Minneapolis-Saint Paul International Airport [MSP] and six general aviation airports, I am also chair of the Airports Council Inter-

national-North America Large Hub Committee and serve on ACT's U.S. Policy Council.

The airport industry recognizes that travel hurdles can have a magnified impact when experienced by passengers with disabilities, and we are committed to fostering an inclusive air travel experience.

In addition to our Federal, State, and local compliance requirements, airports work broadly with disability advocates and our Government, airline, tenant, and local community stakeholders to develop aspirational accessibility goals before designing and implementing innovative solutions.

MSP has been at the forefront of creating an accessible passenger experience through investing in relationships, technology, training, and infrastructure.

Our accessibility journey has been informed and guided by the expertise of our Travelers with Disabilities Advisory Committee. TDAC, as we call it, was established in 2014, and it consists of disability advocates from our community, as well as airport staff and representatives from airlines, airline contractors, the TSA and CBP. Our TDAC chairperson represents the Minnesota Commission for the Deaf, Blind, and Hard of Hearing. The committee is results-oriented, providing constructive feedback on how we address accessibility through the implementation of programs and design of facilities that remove barriers for those with disabilities. It is a key voice in our long-term planning at MSP.

Another area that we have been proactive in is the development of preflight training programs for individuals with sensory, physical, or cognitive disabilities. Our program, known as Navigating MSP, is a partnership between MSP, Delta Air Lines, Autism Minnesota, and other local organizations. The goal is for individuals and families to gain experience traveling through the airport by rehearsing their journeys before they take them.

This year, MSP, in partnership with Delta Air Lines, unveiled a permanent mock aircraft cabin training facility to augment the program and accommodate employee training related to accessible travel.

Airports have also made significant infrastructure and technology investments to improve the travel journey of those with disabilities. At MSP, we have invested \$120 million over the past 10 years to construct state-of-the-art, award-winning accessible restrooms, as well as service animal relief areas in each concourse. Over the past 2 years, we have incorporated restrooms with adult changing tables and will continue these additions through our terminal and concourse redevelopment efforts.

Finally, we were among the first airports to partner in technologies such as hearing loops, Aira, and sunflower lanyard to assist passengers with communications and their navigation through our facilities.

Airports are extremely grateful to Congress for passing the Bipartisan Infrastructure Law this year, which provided airports \$20 billion over 5 years to make much-needed improvements.

Included in this funding is the Airport Terminal Program, or ATP, which allocates \$1 billion to airports annually over 5 years for terminal projects. Of the \$1 billion granted for fiscal year 2022,

roughly two-thirds, or \$600 million, went towards enhancements to accessibility and ADA compliance.

For fiscal years 2022 and 2023, there have been nearly \$25 billion worth of ATP projects submitted. Yet, as I just noted, only \$1 billion is available each year. While the recent investment in the Airport Terminal Program is a welcome investment, the funding gap for terminal projects highlights the need for additional Federal assistance to keep pace with travel demands, including those travelers who require improved accessibility.

According to the most recent infrastructure needs survey by ACI-NA, U.S. airports have \$115 billion in infrastructure needs through the year 2023. And, as I indicated earlier, airports are committed to enhancing airport accessibility, and next year's FAA reauthorization bill will be an excellent opportunity to help narrow the infrastructure funding gap to achieve the goal of accessible airports for all.

Thank you for having me here today, and I look forward to any questions that you may have.

[Mr. Ryks' prepared statement follows:]

Prepared Statement of Brian Ryks, Executive Director and Chief Executive Officer, Metropolitan Airports Commission, on behalf of Airports Council International-North America

Good morning. My name is Brian Ryks. I am the Executive Director and Chief Executive Officer of the Metropolitan Airports Commission (MAC), which owns and operates the Minneapolis-Saint Paul International Airport (MSP) and six general aviation airports. I am also the Chair of the Large Hub Committee of Airports Council International-North America (ACI-NA), and serve on ACI-NA's U.S. Policy Council. Thank you, Chairman DeFazio, Chairman Larsen, Ranking Member Sam Graves and Ranking Member Garret Graves for having me here today and providing me the opportunity to share the commercial airport perspective in today's important conversation about improving accessibility in air travel.

In the United States, our public system of commercial service airports exists to serve the air transportation needs of the communities they serve. These communities include people with disabilities, as formally defined under the Americans with Disabilities Act and associated regulations, elderly travelers with mobility challenges and families with nursing children, among others.

Accessibility for all covers a wide spectrum of passenger needs. It is about working collaboratively with our traveling public, our airlines and our business partners to ensure everyone has equal access to the benefits of air travel.

The airport industry recognizes that travel hurdles can have a magnified impact when experienced by passengers with disabilities, and we are committed to fostering an inclusive air travel experience.

We strive as an industry to create a welcoming and accessible travel experience, and airport accessibility is a primary pillar of the overall customer service we provide. Airports have a great story to tell about the advancements we are making on these issues with our limited resources. MSP especially has been at the forefront of creating an accessible passenger experience through investing in technology, infrastructure, training and service.

One of the key challenges airports face relates to the definition of accessibility, since the conditions included in the definition inform the solutions we develop. Access to airports for those with mobility challenges is essential, but we must also consider the accessibility needs for travelers facing a wide spectrum of visible and non-visible disabilities. The bottom line is that airports are committed to creating the most accessible airports for all passengers who need to travel.

Commercial service airports operate in compliance with the requirements of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, and other state or local standards. In general, these standards require airports to make facilities and services readily available and useable by individuals with disabilities. But airports do not stop there. We work more broadly with our government, airline, ten-

ant, and local community stakeholders to develop aspirational accessibility goals before designing and implementing innovative solutions.

Many airports also work closely with accessibility advocates and experts to help ensure we are incorporating their diverse and important perspectives. At MSP, our accessibility journey has been informed and guided by the expertise and support provided through our *Travelers with Disabilities Advisory Committee*, or TDAC for short. Established in 2014, TDAC consists of disability advocates from our community as well as airport staff and representatives from airlines, airline contractors, and the Transportation Security Administration. The chairperson of TDAC is Andrew Palmberg, who represents the Minnesota Commission for the Deaf, Blind and Hard of Hearing.

This committee is results-oriented, providing constructive feedback on how we address accessibility complaints and improve programs or design facilities that remove barriers for those with disabilities while elevating the overall experience for all travelers and airport users. It is a key voice in our long-term planning for MSP.

A critical program we have implemented at MSP in collaboration with TDAC is the global sunflower lanyard program. The program allows passengers to self-identify that they may have a special need, indicated by wearing a green lanyard with sunflowers. The lanyard signifies to airport workers to provide additional assistance to the passenger wearing it. The global sunflower lanyard program is implemented at many airports across the country.

Assisting passengers with disabilities with self-identification upon arrival for travel or when connecting at an airport is an important way to make airports more accessible to everyone and has become an industry best practice. It is also an outcome of the Air Carrier Access Act Advisory Committee, which was created by the Department of Transportation as mandated by the FAA Reauthorization Act of 2018.

As an industry, airports recognize the importance of filling service gaps throughout the passenger experience, especially for passengers with disabilities. As a result, we are going above and beyond our compliance standards and achieving increased levels of accessibility by deploying new technologies, setting ambitious customer service standards, providing enhanced training to airport workers, and making important infrastructure investments to meet long-term goals.

One of the great successes in filling these service gaps has been the development of pre-flight training programs for individuals with sensory, physical or cognitive disabilities. It began with Boston Logan International Airport's *Wings for Autism* program in 2011. Two years later, MSP began its *Navigating MSP* program.

Navigating MSP is a partnership between MSP, Delta Air Lines, Autism Minnesota, and other local organizations to help individuals gain experience traveling through the airport and to prepare them for the passenger experience. We hold monthly pre-flight practice runs for participants and their families. This includes experiencing the process of going through TSA security screening and boarding a real aircraft. This year, MSP, in partnership with Delta Air Lines, also unveiled a permanent mock cabin training facility at the airport to augment the program and accommodate staff training related to accessible travel. These airport practice trips, both at MSP and other airports that offer these programs, allow individuals and their families to rehearse their experience at the airport while bringing airlines and government partners together for comprehensive passenger support and education.

Airports have also made significant infrastructure and technology investments to improve the travel journey of those with disabilities. At MSP, infrastructure investments include approximately \$120 million to build 24 state-of-the-art, award-winning accessible restrooms, as well as constructing and operating Service Animal Relief Areas in each concourse. We also have incorporated adult changing tables in restrooms since 2021, with more locations regularly added through our terminal and concourse redevelopment efforts. MSP was among the first airports to offer the Aira Airport Network at no cost to travelers. Using a cellphone app connected to a camera, Aira provides visually impaired individuals access to remote assistants to guide them as they navigate through the airport. We are also expanding our network of hearing loops for the hard-of-hearing, which employs a magnetic, wireless signal that can enhance communications for those with hearing aids. MSP was among the first U.S. airports to implement this technology.

Additional examples of accessibility services at MSP include visual screens to share public address announcements, web and phone-based interpreting services, and closed-captioning on monitors at airline gates and food and beverage venues. Beginning this month, MSP will be piloting "talk-to-text" technology that enables gate announcements to be displayed on monitors in real-time for those who are deaf or hard-of-hearing.

We understand these efforts are enhancing the travel experience for those with disabilities, and we continue to have open dialogue with the disability community

to identify gaps and offer solutions to improve. However, these improvements take time and resources to implement.

As airports continue their recovery from the pandemic, one thing has not changed—substantial infrastructure investments are needed to meet the demands of all travelers, including those with disabilities. In addition to creating local jobs, new investments in airports can be valuable tools in upgrading aging terminals to make them more accessible to all.

Airports are extremely grateful to Congress for passing the Bipartisan Infrastructure Law (BIL) this past year, which provided airports \$20 billion over five years to make much-needed improvements. Included in this funding is the Airport Terminal Program (ATP), which allocates \$1 billion to airports annually over five years for terminal projects. Of the \$1 billion granted for fiscal year 2022, roughly two-thirds of the terminal projects accounting for more than \$600 million in federal funding are incorporating enhancements to accessibility and ADA compliance. In fact, at MSP, one of our federally funded terminal investment projects will improve accessibility through the replacement or relocation of six passenger boarding bridges to ensure they meet ADA slope requirements.

Demand for infrastructure investments at our airports is substantial. For fiscal years 2022 and 2023, there have been nearly \$25 billion worth of projects submitted, yet only \$1 billion is granted each year. U.S. airports have \$115 billion in infrastructure needs through 2023, according to the most recent infrastructure needs survey by Airports Council International-North America. This survey was conducted during the COVID-19 pandemic and does not fully account for all of the new airport public health-related infrastructure upgrades that have since been identified. Those needs are likely to grow when new survey results are released in early 2023.

For these ATP-funded projects, in addition to an array of other terminal, landside and airside development projects that U.S. airports have underway, accessibility is a critical consideration from the earliest stages of planning through project completion. From the sizing of restrooms to the design of public address and flight information displays to the careful consideration of walking distances—and many elements in between—accessibility needs to be designed into modern airport facilities.

As leading economic engines in communities, airports are an integral part of the overall travel and tourism industry. While the recent investment in the Airport Terminal Program is a welcome investment, the funding gap for terminal projects highlights the need for additional federal assistance to keep up with travel demands, which include those travelers who require improved accessibility.

Airports are committed to being responsible stewards of our industry and the intent to make our airports and terminals more accessible, but we need additional assistance to do so. Next year's FAA Reauthorization bill is an excellent opportunity to narrow the gap and help us achieve this goal of being accessible to all.

We are committed to working with the House Transportation and Infrastructure Aviation Subcommittee and our stakeholders to enhance airport accessibility.

Thank you for having me here today.

Mr. LARSEN OF WASHINGTON. Thank you for your testimony.

We will now turn to Matt Scott, three-time Paralympic medalist for the Team U.S.A. wheelchair basketball team.

Thank you very much for joining us. And so, Mr. Scott, we will turn to you and recognize you for 5 minutes.

Mr. SCOTT. Thank you for having me.

To the committee, thank you very much.

My name is Matt Scott, and I have had the honor of representing Team U.S.A. for the United States for the Paralympics for Team U.S.A.'s wheelchair basketball team throughout the last five consecutive Games.

Throughout this nearly two decades of commitment, I have been proud to compete at the highest level and have played an enormous role in raising societal perceptions of what it means to be a Paralympic athlete.

The equity in adaptive sports has seen significantly positive change, largely due to the public awareness our athletes have generated. This awareness has shifted the minds in our society, and elite-level Paralympians are being acknowledged for their accom-

plishments and respected for the hard work and commitment it takes.

Unlike our able-bodied counterparts, in order to play wheelchair basketball, in order to compete at the highest level, we have to have specialized, custom equipment created specifically for the purpose of sport. Our sports wheelchairs are entirely different from my daily wheelchair that you see me in now.

The wheelchair that I use on a daily basis is vital to my mobility needs. It is my primary means of movement. My wheelchair makes me feel strong. My wheelchair makes me feel independent. My wheelchair makes me feel whole.

While traveling for competition on numerous occasions, I have reached my destination and received my wheelchair mishandled, neglected, damaged, and sometimes destroyed beyond repair. The reality for the airline in these instances is that a piece of equipment is broken, and they are to take accountability by replacing it.

My reality in these instances differs greatly. I consider my wheelchair to be an extension of my body. These items cannot simply just be replaced.

I'm an active member in society. I work a full-time corporate job, serve on a board of directors, volunteer time with nonprofits, and have several deals that I need to manage sponsorship appearances for and conduct a variety of public speaking roles throughout the country. Many of these commitments require me not only to have access to one of my wheelchairs but access to both when I fly. When these items are returned to me after being handled improperly by untrained personnel, the damage that is done is devastating.

Traveling internationally to a world competition and arriving and realizing only that I will not be able to represent the country due to negligence is my worst nightmare and a constant fear that many athletes like myself have had to experience. My fear is that the chair itself will be replaced in time; however, the loss of accolades, loss of income, loss of future opportunity—that goes unseen and unaccounted for, not to mention the mental and emotional anguish that these experiences cause.

I currently travel with arguably an unhealthy amount of anxiety during airline travel that stems from the uncertainty of whether I will get my wheelchairs in a suitable condition.

My goal is it that by providing this testimony, that these experiences are palpable. A solution that benefits all parties involved is possible when one thing is clearly and universally understood: Assistive mobility devices are not to be treated as just another piece of equipment, but handled with the appropriate care of trained personnel.

My hope is to be part of the solution. This is not a complaint, by any means, but a call to action. And I thank you for the opportunity to be heard.

[Mr. Scott's prepared statement follows:]



**Prepared Statement of Matt Scott, Three-Time Paralympic Medalist,
Team U.S.A.**

My name is Matt Scott and I've had the honor of representing the United States of America in the Paralympic games for Team USA's wheelchair basketball team throughout the last five consecutive games. Throughout this nearly two decades of commitment, I've been proud to compete at the highest level, and have played an enormous role in raising societal perceptions of what it means to be a Paralympic athlete.

The equity in adaptive sports has seen a significantly positive change largely due to the public awareness our athletes have generated. This awareness has shifted the minds in our society and elite level Paralympians are being acknowledged for their accomplishments and respected for the hard work and commitment it takes.

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I am an active member in society. I work a full-time corporate job, I serve on a board of directors, volunteer time with non-profits, I have several endorsement deals, compete in multiple adaptive sports, manage sponsorship appearances, and conduct a variety of public speaking roles throughout the country. Many of these commitments require me to not only have access to one of my wheelchairs, but access to both when I fly. When these items are returned to me after being handled improperly by untrained airport personnel, the damage that is done is devastating.

Traveling internationally to a world class competition and upon arrival realizing I won't be able to represent the country due to negligence is my worst nightmare, and a constant fear that many athletes like myself have had to experience. My fear is that the chair itself will be replaced in time; however the loss of accolades, loss of income, loss of future opportunity goes unseen and unaccounted for. Not to mention the mental and emotional anguish these experiences cause.

I currently travel with an arguably unhealthy amount of anxiety during airline travel that stems from the uncertainty of whether I'll get my wheelchairs returned to me in a suitable condition.

My goal is that by providing this testimony that these experiences are palpable. A solution that benefits all parties involved is possible when one thing is clearly and universally understood. Personal wheelchairs and other types of assistive mobility devices are not to be treated as just another piece of equipment but handled with the appropriate care of trained personnel.

My hope is to be part of the solution. This is not a complaint but a call to action. Thank you for an opportunity to be heard.

Mr. LARSEN OF WASHINGTON. Thank you, Mr. Scott, for your testimony. And we will be back to you with some questions after we hear from two more witnesses.

We will now hear from Heather Krause, Director of Physical Infrastructure at the Government Accountability Office.

And, as I noted before the hearing, good to see you actually in person, finally.

Ms. KRAUSE. Yes. Thank you.

Chair Larsen, Ranking Member Graves, Chair DeFazio, and members of the subcommittee, thank you for the opportunity to discuss GAO's work on accessibility in air travel.

Having accessible air travel is critical given that one in four adults in the U.S. have a mobility, cognitive, hearing, vision, or other disability. Without effective accommodations, such as appro-

priate assistance and communication, air travel by passengers with disabilities can be extremely challenging. Recent data show almost 1,400 disability-related complaints to DOT in 2021, which is up 54 percent from the complaints received in 2019.

Various Federal requirements, including the Air Carrier Access Act, are designed to help ensure that air travel is accessible and available to people with disabilities on a nondiscriminatory basis. More recently, the FAA Reauthorization Act of 2018 directed DOT to implement various provisions to improve accessible air travel.

My testimony today is based on past and recent work examining aviation accessibility issues and focuses on, one, barriers to accessible air travel; two, steps airports and airlines have taken to reduce those barriers; and, three, DOT's actions to respond to accessibility-related provisions and enforce accessibility-related regulations.

First, our past work has highlighted a range of barriers that passengers with disabilities face in navigating through airports. For example, infrastructure-related barriers, such as large, complex airports, can require more cognitive and physical effort to navigate. Essential travel information, such as flight status and emergency response instructions, is not always available in a format for all. In addition, TSA's screening practices may more frequently subject passengers with disabilities to additional screening.

We also identified barriers that airlines are responsible for addressing. These include difficulties obtaining wheelchair and customer assistance, accessing onboard lavatories, and stowing wheelchairs or other assistive devices without damage.

We reported that some airports and airlines have sought to reduce these barriers. For example, airports have installed new or improved ramps, elevators, and restrooms to comply with the Americans with Disabilities Act. Some airports have also implemented technology and other solutions that go beyond ADA requirements, including wayfinding and other individualized navigation assistance. In addition, airlines have been involved in a number of industry-led working groups, including efforts to develop new training to improve service for passengers with disabilities.

While airport and airline efforts can help some passengers more easily or independently move through U.S. airports, these efforts vary among and even within airports. As noted by disability advocacy groups, airlines, airports, and others we have interviewed, no airport has addressed all barriers.

Turning to DOT, we found that the agency has taken steps to implement 10 accessibility-related provisions in the 2018 act. For example, DOT now requires the largest U.S. airlines to report the number of wheelchairs and scooters that were transported and damaged. DOT has also initiated rulemaking processes to address several other provisions in the act, including improving wheelchair assistance and providing prompt assistance to passengers with disabilities.

DOT has also taken steps to address other longstanding issues important to passengers with disabilities, including issuing a notice of proposed rulemaking to address accessible lavatories for single-aisle aircraft.

Regarding disability-related enforcement actions, DOT has taken one since 2019, although the number of disability-related complaints to airlines and DOT has increased in recent years and is on track to exceed 2021 levels.

We recommended in October 2020 that DOT increase transparency over its enforcement-related activities. The agency has not yet done so but said it intends to provide more transparency and clarity into the results of its broader enforcement activities by year's end.

Implementing our recommendations is critical to helping the public understand whether and how DOT's broader enforcement activities are addressing the increasing number of disability-related complaints.

In closing, as the U.S. population ages, passengers with disabilities will be a growing customer segment of air travelers. While no one solution can address all barriers, the Federal Government, airlines, and airports, in coordination with the disability community, must continue to increase accessibility and ensure safe and dignified air travel for all.

This concludes my statement, and I look forward to answering your questions.

[Ms. Krause's prepared statement follows:]

**Prepared Statement of Heather Krause, Director, Physical Infrastructure,
U.S. Government Accountability Office**

Chair Larsen, Ranking Member Graves, and Members of the Subcommittee:

Thank you for the opportunity to discuss issues regarding the accessibility of air travel in the United States. According to the Centers for Disease Control and Prevention (CDC), more than 61 million adults in the United States (1 in 4) have a mobility, cognitive, hearing, vision or other disability.¹ The Department of Transportation (DOT) estimated that roughly 27 million passengers with disabilities traveled by air in 2019. In light of an aging population in the United States, travelers with disabilities will be a growing customer segment for airlines. Without effective accommodations—such as communication of essential flight information, accessible seats and lavatories, appropriate boarding assistance, and careful handling and stowage of wheelchairs and other assistive devices—passengers with disabilities may face challenges when flying on a commercial airline.

Various federal statutory and regulatory requirements are designed to help ensure that air travel is accessible for people with disabilities, including both physical and mental conditions.² For example, the Americans with Disabilities Act (ADA) prohibits discrimination against people with disabilities by public entities, such as airports.³ In addition, the Air Carrier Access Act (ACAA) of 1986, as amended, prohibits airlines from discriminating when providing air transportation on the basis

¹ Centers for Disease Control and Prevention, accessed November 7, 2022, <https://www.cdc.gov/ncbddd/disabilityandhealth/infographic-disability-impacts-all.html>.

² For example, the Air Carrier Access Act of 1986, as amended, defines an individual with a disability as any individual who has a physical or mental impairment that, on a permanent or temporary basis, substantially limits one or more major life activities, has a record of such an impairment, or is regarded as having such an impairment. 14 C.F.R. § 382.3.

³ With respect to air travel, Title II of the ADA and its implementing regulations are applicable to public entities, including state and local authorities that operate airports.

of disability.⁴ DOT is responsible for implementing and enforcing ACAA regulations.⁵

The FAA Reauthorization Act of 2018 included a number of provisions specifically designed to address the accessibility of air travel.⁶ Despite recent efforts to address these provisions, as well as other ongoing actions to improve passenger's experience, airlines and DOT continue to receive disability-related travel complaints. In 2021, DOT received 1,394 disability-related complaints, an increase of more than 157 percent from the total of 541 complaints received in 2020, and up 54 percent from the 905 disability complaints received in 2019.⁷ DOT forwards all disability complaints it receives to the airline, which is required to respond. DOT reviews the airline's response and determines whether to open an investigation by weighing numerous factors, including whether DOT believes an airline is systematically violating civil rights requirements or engaging in particularly egregious conduct.

My statement today is based on our body of work on a variety of aviation accessibility issues—including barriers to accessible air travel, training for customer service personnel, and DOT oversight of consumer protections, among other things.⁸ Specifically, this statement describes: (1) barriers to accessible air travel; (2) steps that airports and airlines have taken to reduce those barriers; and (3) status of actions taken by DOT to respond to accessibility-related provisions in the FAA Reauthorization Act of 2018 and to enforce ACAA accessibility regulations.

To conduct our prior work, we reviewed DOT and Federal Aviation Administration (FAA) documents and guidance, and applicable statutes and regulations; analyzed DOT disability-related complaint data, and conducted interviews with DOT officials and representatives from selected airlines, airports, and consumer and disability advocacy organizations, among others. More detailed information on our objectives, scope, and methodology can be found in each of the reports.⁹

For this statement, in addition to reviewing our prior work, we reviewed DOT's recent rulemaking actions related to accessibility issues and the *Air Carrier Access Act (ACAA) Advisory Committee Recommendations*, issued in February 2022.¹⁰ To identify actions taken by DOT to make air travel more accessible, we identified and confirmed with DOT the relevant 10 provisions related to accessible air travel di-

⁴Pub. L. No. 99-435, 100 Stat. 1080 (codified as amended at 49 U.S.C. § 41705). The Air Carrier Access Act's implementing regulations define an individual with a disability as any individual who has a physical or mental impairment that, on a permanent or temporary basis, substantially limits one or more major life activities, has a record of such an impairment, or is regarded as having such an impairment. 14 C.F.R. § 382.3.

⁵The ACAA prohibits discrimination on the basis of disability in air travel, whereas the ADA, among other things, prohibits discrimination and ensures equal opportunity and access for persons with disabilities in public accommodations, commercial facilities and transportation by bus, rail, or any other conveyance, other than by aircraft. With respect to building accessibility standards and requirements, the Architectural Barriers Act of 1968, as amended, applies to buildings and facilities such as U.S. public airports that are recipients of federal financial assistance, and requires such buildings and facilities to meet minimum design standards to ensure access for persons with physical disabilities. Pub. L. No. 90-480, 82 Stat. 718 (1968) (codified as amended at 42 U.S.C. §§ 4151-56).

⁶See e.g., FAA Reauthorization Act of 2018, Pub. L. No. 115-254, §§ 337, 426, 431-441, 577, 1950, 132 Stat. 3186, 3281, 3339, 3342-47, 3394, 3589.

⁷In addition, for 2019 (the most recent year for which data are reported), DOT reported that 42,418 disability-related complaints were filed with airlines, a 15 percent increase over 2018. U.S. Department of Transportation, *Annual Report on Disability-Related Air Travel Complaints Received During Calendar Year 2019* (Washington, D.C.: 2022).

⁸GAO, *Aviation Security: TSA Should Assess Potential for Discrimination and Better Inform Passengers of the Complaint Process*, GAO-23-105201, (Washington, D.C., Nov. 7, 2022); GAO, *Passengers with Disabilities: Airport Accessibility Barriers and Practices and DOT's Oversight of Airlines' Disability-Related Training*, GAO-21-354, (Washington, D.C.: April 14, 2021); GAO, *Aviation Consumer Protection: Increased Transparency Could Help Build Confidence in DOT's Enforcement Approach*, GAO-21-109, (Washington, D.C., Oct. 13, 2020); GAO, *Aviation Consumer Protection: Few U.S. Aircraft Have Lavatories Designed to Accommodate Passengers with Reduced Mobility*, GAO-20-258 (Washington, D.C.: Jan. 7, 2020); and GAO, *Passengers with Disabilities: Air Carriers' Disability-Training Programs and the Department of Transportation's Oversight*, GAO-17-541R (Washington, D.C.: May 31, 2017).

⁹See GAO-23-105201; GAO-21-354; GAO-21-109; GAO-20-258; and GAO-17-541R.

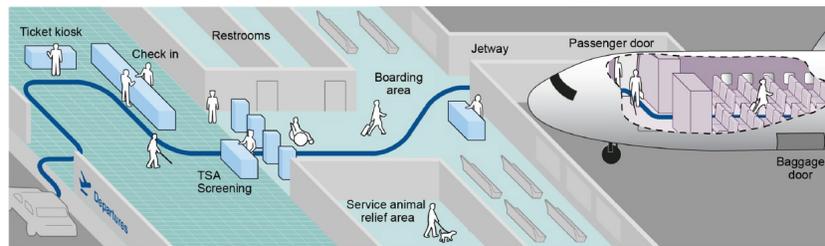
¹⁰*Air Carrier Access Act Advisory Committee Recommendations*, (Washington, D.C.: Feb 4, 2022). The ACAA Advisory Committee was appointed in 2019 to advise the Secretary of DOT about issues relating to the air travel needs of passengers with disabilities. It was created to identify and assess disability-related access barriers encountered by air travelers with disabilities, evaluate the extent to which DOT's programs and activities are addressing these disability-related access barriers, and recommend actions to improve the air travel experience of passengers with disabilities. Committee members include representatives from national disability organizations, airlines, airport operators, aircraft and wheelchair manufacturers, and airline contract service providers.

rected at DOT in the FAA Reauthorization Act of 2018. We reviewed documents related to DOT efforts taken in response to these provisions and other DOT efforts to address accessibility. We also interviewed DOT and FAA officials to obtain additional status information. We conducted the work on which this testimony is based in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on audit objectives. We believe the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

PASSENGERS WITH DISABILITIES CONTINUE TO FACE AIRPORT AND AIRLINE ACCESSIBILITY BARRIERS

In our prior work, we found that passengers with disabilities face a range of barriers that present challenges to accessible air travel, in navigating both through airports and onboard an aircraft (see fig. 1). Airport operators, Transportation Security Administration (TSA) employees, airline employees, and airline contractors all play a role in helping ensure that air travel facilities and services are accessible and providing assistance for passengers with disabilities.

Figure 1: Potential Barriers for Passengers with Disabilities in Air Travel



Source: GAO. GAO-23-106358

Airports

According to representatives from the majority of the 16 U.S. airports and four aviation industry associations we interviewed for our April 2021 report, the infrastructure at some airports, which includes terminal buildings and related facilities used by passengers, does not provide equal access to airport services for passengers with different types of disabilities.¹¹ For example, limited elevator capacity can create bottlenecks that negatively affect passengers with mobility disabilities in busy terminals. The varying size, age, and state of renovations in airport terminal buildings can affect accessibility. For example, according to disability advocacy organizations we met with, infrastructure-related barriers may be more pronounced at large complex airports, as large airports tend to have longer distances to travel between gates than smaller airports, and airports with complex layouts can require more cognitive and physical effort to navigate than simpler airports.

Some airport representatives also stated that the infrastructure investments they made have not eliminated all access issues. For instance, some airports might have certain accessibility features in some, but not all, locations within an airport. Furthermore, passengers are not able to plan their trip to ensure their gate is located near certain accessibility offerings such as technology to assist passengers who are deaf, which might only be installed in one terminal, or only at specified locations such as at one or two gates.

We also found that information essential to traveling through an airport is not always accessible to passengers with disabilities. Key information can include flight and boarding status, emergency-response instructions, and how to navigate from point to point in the airport. Passengers with blindness and low vision may have difficulty using airports' information systems that communicate key flight information. In addition, representatives from advocacy organizations we met with for our April 2021 report told us that a person with hearing loss may miss crucial information provided over a loudspeaker, while a person with cognitive disabilities or low vision may find it difficult to decipher signage that is cluttered, unintuitive, or includes low contrast lettering.

¹¹ GAO-21-354.

Passengers with disabilities may also face barriers in the airport screening process. Earlier this month we issued a report that found that TSA's screening practices may result in certain populations being subjected to additional screening more frequently than others.¹² Among those more likely to face additional screening are passengers with prosthetics or in wheelchairs. TSA agreed with our recommendations to undertake measures to, among other things, collect data on referrals for additional screening and assess whether TSA's passenger screening practices comply with nondiscrimination policies, as well as to better inform the public as to how to file a complaint.¹³

Airlines

Our prior work and that of DOT's ACAA Advisory Committee found that passengers with disabilities face a range of barriers for which airlines are responsible for addressing. For example:

- *Provision of assistance.* In April 2021, we found that airlines do not always provide adequate or sensitively delivered customer service in airports. While passengers with disabilities often rely on wheelchair or other guided assistance from airline employees or airline contractor personnel during their airport journey, some noted that these personnel might be difficult to locate, unavailable where needed, or might not provide assistance with the appropriate level of sensitivity.
- *Wheelchair assistance.* During our audit for that same 2021 report, selected airlines and contractors told us that a range of factors could affect the quality and timeliness of wheelchair service, such as difficulty predicting passenger requests for assistance and personnel turnover. A DOT review of disability-related complaints from 2015 through 2019 found that failure to provide timely wheelchair assistance was the number one disability complaint each year.
- *Ticketing/service requests.* Variations in ticketing processes and codes can result in inconsistencies in the service provided to passengers with disabilities by different airlines. Airlines and travel agents process requests from passengers with disabilities for special accommodations and transmit those requests in codes in the form of international standardized Special Service Requests, both at the time of booking and throughout the passenger's travel with the airline. According to the 2022 ACAA Advisory Committee report, some airlines and travel agents may use additional, non-standard codes.¹⁴ As a result, certain service request codes may not be recognized and processed by other airlines' and ticket agents' systems.
- *Handling and stowage of devices.* Damage to wheelchairs and other assistive devices in air travel remains a significant source of concern for passengers with mobility disabilities. Much of the damage to wheelchairs, particularly power wheelchairs and scooters, occurs when the devices are stowed in an aircraft's cargo compartment, according to the 2022 ACAA Advisory Committee report. According to a DOT review of disability-related complaints, in 2019, over 10,000 wheelchairs were mishandled by airlines, roughly 1.5 percent of the total handled. While the percentage is small, when a wheelchair is lost or damaged, the consequences to a traveler can be devastating.
- *Onboard assistance and lavatories.* For passengers with disabilities, embarking and disembarking the aircraft can be a lengthy process and require assistance from personnel. After boarding, passengers with reduced mobility may need to access aircraft lavatories. While larger twin-aisle aircraft are required to provide at least one lavatory accessible to passengers using the aircraft's on-board wheelchair, no such rule exists for single-aisle aircraft. We found in 2020 that single-aisle aircraft are increasingly used for longer flights. We also found that the airlines we met with rarely elected to equip their single-aisle aircraft with an accessible lavatory, even though aircraft manufacturers offer this design configuration. Therefore, most lavatories on single-aisle aircraft are inaccessible to passengers relying on an onboard wheelchair designed to fit down narrow aircraft aisles unless they are able to stand and pivot from the wheelchair into the lavatory.¹⁵

¹²GAO-23-105201.

¹³GAO-23-105201. The Department of Homeland Security, within which TSA resides, concurred with all of our recommendations.

¹⁴*Air Carrier Access Act Advisory Committee Recommendations* (Washington, D.C.: Feb 4, 2022).

¹⁵DOT requires air carriers to provide onboard wheelchairs on most aircraft with more than 60 passenger seats that have an accessible lavatory and when requested by a passenger with a disability even if the aircraft does not have an accessible lavatory. 14 C.F.R. § 382.65.

AIRPORTS AND AIRLINES HAVE TAKEN STEPS TO MAKE AIR TRAVEL MORE ACCESSIBLE

Our April 2021 report found that some airports and airlines have sought to reduce barriers to air travel for passengers with disabilities. Some of the steps they have taken are pursuant to federal requirements, while others have been voluntary.

Airports

We previously reported that airports have been investing heavily in large capital projects to expand and renovate airport facilities.¹⁶ Such projects may include accessibility components, such as additional curb cuts to make it easier for passengers using wheelchairs to access the sidewalk at drop-off as well as improvements to ramps, elevators, public restrooms, and signage designed to provide equal access in compliance with ADA requirements for new construction. Some recent airport improvements are being funded by federal grants, such as the Airport Terminal Program (ATP) grants established under the Infrastructure Investment and Jobs Act.¹⁷ The ATP is a discretionary grant program that considers whether the project achieves ADA compliance or expands access to persons with disabilities among the selection criteria. FAA officials said that for fiscal year 2022, the first year of the ATP, 73 airports received a total of approximately \$826 million in grants for projects that include one or more components that improve accessibility.

To further improve the passenger experience for passengers with disabilities, representatives at some airports told us they have implemented technology and other solutions that go beyond ADA requirements. Figure 2 provides examples of the types of investments that airports are taking to improve the passenger experience. While these investments can help some passengers more easily or independently navigate some U.S. airports, accessibility barriers remain. Notably, the nature and extent of investments varies among airports and even within airports. Stakeholders also said that no single solution meets all disability needs, and no airport has addressed all barriers.

Figure 2: Examples of Airport Accessibility Features to Help Passengers with Disabilities Access and Navigate Airports, as Previously Identified by Stakeholders



Source: GAO. GAO-23-106358

Our 2021 report also identified a range of promising practices some airports are using to identify barriers and make their airports more accessible. For instance, airport representatives described approaches such as establishing standing committees to involve a wide range of external disability-community and passenger representatives in key airport infrastructure decision-making.¹⁸ The committees allow airport planners, architects, and designers to consult with these representatives on questions of inclusive design and obtain insight into how passengers with different disabilities interact with the airport. We also identified airports' efforts to conduct service quality checks to proactively identify airport service gaps and accessibility barriers and to provide supplemental disability-related training for airport employees, among other things.

Airlines

Our April 2021 report also identified some steps that airlines were taking to make air travel more accessible.¹⁹ For example, we reported that all selected airlines we interviewed said that they have convened roundtables or held meetings with mem-

¹⁶ GAO, *Airport Infrastructure: Information on Funding and Financing for Planned Projects*, GAO-20-298 (Washington, D.C.: Feb. 13, 2020).

¹⁷ Pub. L. No. 117-58, 135 Stat. 429, 1418 (2021).

¹⁸ At time of our 2021 review, four selected airports had these type of committees.

¹⁹ GAO-21-354.

bers from the disability community to help inform the airlines' efforts to provide better customer service.

We also reported that airlines have been involved in a number of industry-led working groups intended to better service passengers with disabilities, including developing new training components that may help improve service. For example, we reported in April 2021 that an industry association and some airlines were part of groups that are developing guidance for passengers and a training manual for airlines to better support those who travel with personal wheelchairs. In that same report, we found that all airlines and contractors designed their disability-related training programs to meet or exceed the ACAA's regulatory training requirements. Further, we reported that DOT had not found training issues to be a significant root cause of airline disability-related service violations.²⁰ Even so, DOT officials stated that training is important and can always be improved.

In February 2022, the ACAA Advisory Committee made a number of recommendations to airlines that could help address two of the key barriers we previously identified. For example:

- *Handling and stowage of devices:* A number of these recommendations were designed to reduce damage to power wheelchairs and scooters. For instance, the committee recommended standards and improvements to airline checklists and forms for handling wheelchairs to make them more consistent across airlines and written in plain language.
- *Ticketing/service requests:* The committee recommended the establishment of a working group led by International Air Transport Association to address the need for airlines and ticket agents to consistently apply the Special Service Request codes. The committee also recommended training for reservation agents and other personnel on proper usage of those codes. Additionally, the committee recommended that airlines consider adding the capability to retain requests for special accommodations in future upgrades of their frequent flyer systems.

In addition, the committee recommended that airlines provide advance notice to disability rights organizations representing affected communities if the airline issued new or modified major airline policies that would affect passengers with disabilities. The advisory committee reasoned that although airlines are not required to consult with disability organizations before doing so, the advance notice would allow organizations to alert their members and may provide an opportunity for further discussion.

In October 2022, Airlines for America, representing the major U.S. passenger airlines, announced a commitment to improve accessibility in air travel.²¹ This commitment includes the creation of a passenger accessibility advisory group at each airline to improve policies and operations. The commitment also includes improvements to the handling of personal mobility aids, enhancing accessibility services training and education about disabilities for frontline airline employees, and supporting the continued study of safe and feasible aircraft accessibility features.²² The announcement did not include a timetable of specific actions, so at this time it is unclear how and when these efforts will be implemented.

DOT HAS TAKEN STEPS TO IMPLEMENT ACCESSIBILITY-RELATED PROVISIONS, BUT ITS ENFORCEMENT ACTIVITIES CONTINUE TO LACK TRANSPARENCY

DOT has taken steps to implement all of the accessibility-related FAA Reauthorization Act of 2018 provisions requiring actions by DOT, and has completed actions on half of the provisions.²³ Table 1 summarizes the relevant statutory requirements

²⁰In 2021, we reported that 33 out of the 380 consent orders issued by DOT from 2008 through 2019 contained disability-related violations and that only one consent order found a commercial airline was non-compliant with the ACAA training regulations. See GAO-21-354. In 2017, we found that all 12 selected air carriers had training programs that addressed disability-related training requirements, with some variations in the specific content and format. See GAO-17-541R.

²¹A4A, "U.S. Airlines Strengthen Commitment to Passenger Accessibility," accessed Nov. 2, 2022 at: <https://www.airlines.org/news/u-s-airlines-strengthen-commitment-to-passenger-accessibility>.

²²In 2021, the Transportation Research Board (TRB) issued a preliminary report on securing passenger wheelchairs on aircraft. The report found that there were no formidable issues that present design and engineering challenges for installing in-cabin wheelchair securement systems in airplanes. See TRB, *Technical Feasibility of a Wheelchair Securement Concept for Airline Travel: A Preliminary Assessment*, (Washington, D.C.: Sept. 15, 2021).

²³In addition, Section 1950 of the FAA Reauthorization Act of 2018 requires TSA to revise training requirements for Transportation Security Officers related to the screening of passengers with disabilities (FAA Reauthorization Act of 2018, § 1950(a), 132 Stat. at 3589). According to a 2019 report to Congress, TSA has made some improvements to its processes for screening pas-

and the status of DOT's actions as of November 2022, based on our review of recent regulatory activities and information provided by DOT and FAA officials.

Table 1: Status of Selected Accessibility-Related Provisions for the Department of Transportation (DOT) in the FAA Reauthorization Act of 2018, as of November 2022

Section	Requirement	Actions taken to date	Status
Section 337 ...	In consultation with prescribed stakeholders, including groups representing passengers, Federal Aviation Administration (FAA) to study and issue findings to Congress on aircraft cabin evacuation procedures used by airlines.	FAA issued its findings to Congress on March 31, 2022, with 12 recommendations.	Completed.
Section 432 ...	The Architectural and Transportation Barriers Compliance Board, in consultation with DOT and others, to study in-cabin wheelchair restraint systems.	The Transportation Research Board (TRB) issued a preliminary assessment, "Technical Feasibility of a Wheelchair Securement Concept for Airline Travel" in 2021. In July 2022, DOT committed to developing a research roadmap building on the TRB report to support future rule-making.	Completed.
Section 433 ...	DOT to develop, if appropriate, recommendations to improve wheelchair assistance for persons with disabilities.	While DOT officials told GAO that they did not determine it necessary to make any such recommendations, DOT reported in September 2022 that it had initiated a rulemaking process to ensure safe accommodations for air travelers with disabilities using wheelchairs. This would include requirements for airlines to provide hands-on training to their employees and contractors who assist passengers with mobility disabilities or handle battery-powered wheelchairs.	In progress.
Section 434 ...	DOT to develop "Airline Passengers with Disabilities Bill of Rights." Airlines are to submit training plans related to the Bill of Rights protections to DOT for review.	DOT developed and posted Airline Passengers with Disabilities Bill of Rights in July 2022. DOT plans to seek authorization under the Paperwork Reduction Act to collect airline training plans.	In progress.
Section 437 ...	DOT to conduct a rulemaking proceeding to harmonize service animal standards.	Final rule issued December 2020, effective January 11, 2021.	Completed.

sengers with disabilities. In particular, TSA has made efforts to engage with the disability community to revise initial and recurrent training for TSA officers and to address complaint trends through updated training. See: TSA, *Improvements for Screening of Passengers with Disabilities, Fiscal Year 2019 Report to Congress* (Washington, D.C.: Oct. 3, 2019). As we reported earlier this month, TSA has also improved signage at screening areas to inform passengers with disabilities about how to receive assistance and provide contact information for filing complaints alleging mistreatment based on disability, in response to a requirement in the FAA Reauthorization Act of 2018 (FAA Reauthorization Act of 2018, § 1950(c), 132 Stat. at 3590).

Table 1: Status of Selected Accessibility-Related Provisions for the Department of Transportation (DOT) in the FAA Reauthorization Act of 2018, as of November 2022—Continued

Section	Requirement	Actions taken to date	Status
Section 438 ...	Direct the Air Carrier Access Act (ACAA) Advisory Committee to review regulations with respect to practices for ticketing, pre-flight seat assignments, and stowing of assistive devices for passengers with disabilities.	Final Report, Air Carrier Access Act Advisory Committee Recommendations, submitted to DOT on February 4, 2022.	Completed.
Section 439 ...	DOT to establish an advisory committee to identify and assess barriers to access and DOT programs that address these barriers, recommend consumer protection improvements, and advise DOT on implementation of the Air Carrier Access Act, among other activities.	Advisory committee established in 2019, and remains established through September 30, 2023. ^a Final report with recommendations issued Feb. 4, 2022. According to DOT officials, DOT is reviewing the report and considering the Committee's recommendations.	In progress.
Section 440 ...	DOT to review, and if necessary, revise applicable regulations to ensure dignified, timely and effective assistance for passengers with disabilities in air transportation.	DOT has initiated the rulemaking process to ensure safe accommodations for air travelers with disabilities using wheelchairs. DOT has also initiated the rulemaking process to ensure prompt assistance for passengers with disabilities in moving within the airport.	In progress.
Section 441 ...	Compliance date for DOT final rule on Reporting of Data for Mishandled Baggage and Wheelchairs and Scooters Transported in Aircraft Cargo Departments was mandated to be effective not later than 60 days after the enactment of the FAA Reauthorization Act of 2018, enacted October 5, 2018.	In October 2018, DOT issued a notice of enforcement policy advising airlines of the statutorily mandated effective date for reporting of mishandled baggage and wheelchair and scooter data by airlines.	Completed.
Section 577 ...	FAA to issue, after notice and comment, such rules as necessary for the safety of passengers with regard to minimum seat dimensions.	FAA's request for public comments on minimum seat dimensions necessary for safety closed on November 1, 2022. According to FAA officials, the agency is reviewing over 26,000 comments.	In progress.

Source: GAO analysis of DOT regulatory and other actions, and information obtained from DOT and FAA officials, as of November 2022. GAO-23-106358.

Notes: Section 1950 of the 2018 Act requires the Transportation Security Administration (TSA) to revise training requirements related to the screening of passengers with disabilities. TSA has addressed the complaints analysis and signage requirements and has developed courses on traveling with a medical device and traveling with a prosthetic. In November 2022, we reported that TSA officials told us that they do not collect data on estimated wait times for assist requests for passengers with disabilities.

^aPer Sec. 439: The terms of the previously appointed ACAA Advisory Committee members have expired. DOT published a notice in the Federal Register soliciting applications and nominations for new membership to the Committee, and officials told us they were reviewing the applications and nominations, as of November 2022.

Some of these completed actions provide additional insight into ongoing areas of concern. For instance, DOT issued a notice to the largest U.S. airlines establishing a compliance date in December 2018 for reporting requirements on the number of wheelchairs and scooters that were explained and the number of these items that

were mishandled.²⁴ According to the most recent data reported for the month of August 2022, of the nearly 68,000 wheelchairs and scooters enplaned by these U.S. airlines, 1,057 wheelchairs and scooters were mishandled (1.6 percent).²⁵

Other DOT actions are ongoing. For example, in July of this year, DOT published the Airline Passengers with Disabilities Bill of Rights as required by the FAA Reauthorization of 2018.²⁶ According to DOT, this Bill of Rights is a living document that describes the fundamental rights of travelers with disabilities, such as the right to be treated with dignity and respect and the right to accessible airport facilities and assistance on the aircraft. According to agency officials, DOT developed this document to serve as an easy-to-use reference to assist passengers with disabilities in understanding their rights, as well as airline personnel and contractors, in understanding their legal obligations, under the ACAA. DOT officials told us that they will be seeking to collect and review airline disability training plans as also required under the Airline Passengers with Disabilities Bill of Rights provision.

Additional work remains to complete several other important provisions in the Act, including:

- *Provision of assistance.* The FAA Reauthorization Act of 2018 required DOT to review and, if necessary, revise applicable regulations ensuring assistance for passenger with disabilities in air transportation.²⁷ According to agency officials, after completing its review, DOT has decided to initiate a rulemaking to ensure safe accommodations for passengers who use wheelchairs. DOT has also initiated the rulemaking process to ensure airlines understand their obligation under the ACAA to provide prompt assistance upon request in moving within the airport. Department officials expect additional information on these rulemakings to be included in the upcoming *Fall 2022 Unified Agenda of Regulatory and Deregulatory Actions*.²⁸
- *Minimum seat size dimensions.* FAA has requested public comments by November 1, 2022, to assist the agency in determining what minimum seat dimensions (including pitch, width, and length) may be necessary for safety, especially during airplane evacuation. The request for comments specifically noted that because FAA's evacuation study excluded passengers with disabilities, seniors, and children that they should be considered in the comments. The agency has not yet announced next steps, though the Act required the regulation to be issued by October of 2019.²⁹

Beyond DOT's actions to respond to the FAA Reauthorization Act of 2018, DOT is working on other accessibility-related issues, although progress has been slow in some areas.³⁰ For example, in 2016, a DOT advisory committee composed of representatives from airlines, aircraft manufacturers, disability advocacy groups, and other stakeholders recommended that DOT propose a rule requiring accessible lavatories in certain single-aisle aircraft in the future. The committee noted at that time that the issue of requiring accessible lavatories on single-aisle aircraft merited exploration because of two developments: (1) the increased use of single-aisle aircraft on long flights, and (2) the availability of new accessible-lavatory designs for single-

²⁴ See Notice of Enforcement, 83 *Fed. Reg.* 53991 (Oct. 26, 2018) setting an enforcement date for final rule requirements regarding reporting of data for mishandled baggage, wheelchairs, and scooters transported in aircraft cargo compartments issued in November 2016, 81 *Fed. Reg.* 76300 (Nov. 2, 2016), implementing FAA Reauthorization of 2018, § 441, 132 Stat. at 3347.

²⁵ DOT, Air Travel Consumer Report (October 2022), accessed Nov. 3, 2022, <https://www.transportation.gov/individuals/aviation-consumer-protection/october-2022-air-travel-consumer-report>.

²⁶ FAA Reauthorization of 2018, §. 434, 132 Stat. at 3343. Airline Passengers with Disabilities Bill of Rights. See Airline Passengers with Disabilities Bill of Rights at <https://www.transportation.gov/airconsumer/disabilitybillofrights>.

²⁷ FAA Reauthorization Act of 2018, § 440, 132 Stat. at 3347.

²⁸ The Administration's Unified Agenda of Regulatory and Deregulatory Actions reports on the actions administrative agencies plan to issue in the near and long term. The current *Spring 2022 Unified Agenda* can be accessed at <https://www.reginfo.gov/public/do/eAgendaMain>.

²⁹ FAA Reauthorization Act of 2018, § 577, 132 Stat. at 3394.

³⁰ In November 2022, DOT officials told us they have also taken actions during the pandemic to ensure that airlines do not discriminate against passengers with disabilities. For example, in response to concerns from disability advocates and other members of the public, DOT reviewed facemask policies and in February 2021 issued a notice titled, "Notice of Enforcement Policy: Accommodation by Carriers of Persons with Disabilities Who Are Unable to Wear or Safely Wear Masks While on Commercial Aircraft." This notice informed airlines of their obligations under the ACAA and according to DOT officials, directly resulted in increased access for passengers with disabilities.

aisle aircraft.³¹ DOT recently issued a notice of proposed rulemaking to require at least one accessible lavatory in single-aisle aircraft with 125 or more passenger seats would, if adopted as proposed, the rule would apply to new aircraft deliveries beginning 20 years after the effective date of the final rule.³² DOT has noted that it plans to issue a final rule on accessible lavatories in April 2023.

According to DOT, enforcement is also a key tool that it uses to ensure airline industry compliance with consumer protection regulations.³³ Previously, we reported that DOT's enforcement approach focuses on improving compliance through voluntary settlement agreements and consent orders.³⁴ For less egregious violations, DOT has entered into settlement agreements with airlines under which the airlines agreed to take actions that go above and beyond minimum legal requirements. For example, as we reported in 2020, after three airlines told DOT they would not be ready to comply with new requirements for accessible ticket kiosks, DOT exercised its prosecutorial discretion to allow the airlines to delay their compliance in exchange for the installation of a larger number of accessible kiosks than would otherwise have been required. For more egregious violations, DOT issues consent orders, a type of settlement in which DOT may require airlines to pay civil penalties or complete specified corrective actions in order to avoid future litigation. We reported in 2020 that DOT issued 37 consent orders to airlines from 2008 through 2019 for disability-related violations.³⁵ However, since 2019, DOT has taken only one enforcement action for non-compliance with applicable accessibility-related regulations for the airline industry, even though the number of disability-related complaints to airlines and the DOT has increased in recent years and is on track to exceed 2021 levels.³⁶

In October 2020, we recommended that DOT: (1) provide additional information on the process it uses to investigate potential consumer protection violations, to assess risk, and to pursue enforcement actions and establish a timeframe for doing so, and (2) take steps to provide transparency and clarity into the results of its enforcement activities, including investigations that do not result in a consent order.³⁷ DOT has not yet taken action to implement these recommendations. However, DOT officials indicated that they intend to provide a method for greater transparency over their consumer investigation and enforcement process by the end of 2022. Without action on these recommendations and in light of the decline in disability-related enforcement activity despite an increase in disability-related complaints, the public may conclude that ensuring accessibility in air travel is not a DOT priority.

Chair Larsen, Ranking Member Graves, and Members of the Subcommittee, this completes my prepared remarks. I look forward to answering any questions you may have.

Mr. LARSEN OF WASHINGTON. Thank you.

And, finally, we will turn to Graham Keithley, the vice president and associate general counsel of Airlines for America, who is joining us online.

Mr. Keithley, you are recognized for 5 minutes.

³¹In 1990, DOT promulgated regulations requiring wheelchair accessible lavatories on twin-aisle aircraft that historically had been used mainly for long flights. 55 *Fed. Reg.* 8078 (Mar. 6, 1990). The rule did not require them for single-aisle aircraft, although DOT continued to study the issue. Since 1990, technological advances have enabled single-aisle aircraft to fly longer distances, and these aircraft now make 99 percent of domestic flights.

³²This proposed rulemaking would also apply to single-aisle aircraft with 125 or more passenger seats that are (1) ordered 18 years after the effective date of the final rule or (2) of a new type-certificated design filed with the FAA a foreign carrier's aviation safety authority more than one year after the effective date of the final rule. 87 *Fed. Reg.* 17215 (Mar. 28, 2022).

³³DOT has also taken other actions to ensure that airlines do not discriminate against passengers with disabilities. For example, in response to concerns from disability advocates and other members of the public, DOT reviewed facemask policies and in February 2021 issued a notice titled, "Notice of Enforcement Policy: Accommodation by Carriers of Persons with Disabilities Who Are Unable to Wear or Safely Wear Masks While on Commercial Aircraft." This notice informed airlines of their obligations under the ACAA and according to DOT, directly resulted in increased access for passengers with disabilities.

³⁴GAO-17-541R.

³⁵In 2017, we reported that disability-related enforcement cases accounted for about 12 percent of DOT's consumer-related enforcement cases, all of which resulted in consent orders, many of which required the airline to pay only a portion of the fine. See: GAO-17-541R.

³⁶According to DOT data, from January through August 2022, DOT has received a total number of 1,315 disability-related complaints compared to the 1,395 complaints received in calendar year 2021.

³⁷GAO-21-109.

Mr. KEITHLEY. Good morning. A4A appreciates the opportunity to testify today, and I am personally honored to be presenting alongside our disability community and airport partners on this important topic. Thank you, Chairman Larsen and Ranking Member Graves, for the invitation to participate today.

In my role, I am the A4A liaison to our members' Passenger Accessibility Committee, which includes our members' passenger accessibility advocate leads. The mission of that committee includes developing industry accessibility standards and sharing best practices to improve the air travel experience of passengers with disabilities.

A4A thanks this committee for holding this hearing and to your commitment to oversight of passengers with accessibility issues. This hearing reflects the important and growing attention by all stakeholders to improve air travel accessibility for persons with disabilities.

Our members are committed to accessibility, and they are working diligently with disability community partners, the Department of Transportation, the Federal Aviation Administration, and other stakeholders to improve air travel accessibility. A4A members take these issues very seriously and are committed to the dignity and respect of all passengers.

All stakeholders recognize that more work needs to be done. U.S. airlines are the first to acknowledge that even one incident that jeopardizes the safety of passengers with disabilities is unacceptable. A4A members are fully committed to improving air travel accessibility for passengers with disabilities and have taken on several initiatives to better the travel experience in both the short and long term.

Most recently, our members jointly announced a renewed commitment to improve accessibility. This commitment was established after hearing from the disability community about their accessibility concerns. Each of our members will have a passenger accessibility advisory group that includes the disability community to more acutely help airlines incorporate accessibility into their policies and operations.

Mobility and handling: That complex process, explained earlier by Congressman Langevin, is also a focus area of improvement, including the transfer of passengers between their mobility aids and seats. As I mentioned earlier, our members believe that any incident that jeopardizes safety is unacceptable, and they care and appreciate that their passengers with mobility aids may be significantly impacted by an incident.

Additionally, accessibility services training will be improved for all frontline employees.

While some improvements will take time, our members are committed to making progress in taking action to implement these commitments.

Over the last decade, A4A members have and continue to actively engage in many collaborative efforts to improve air travel accessibility, in addition to their own internal efforts. In 2016, the airline industry, aviation stakeholders, the disability community, and the DOT agreed to regulations for accessible lavatories on sin-

gle-aisle aircraft and improved accessibility of in-flight entertainment. We continue to stand by this agreement.

The industry is already also hard at work on implementing the recommendations of the DOT's Air Carrier Access Act Advisory Committee, which DOT established at the direction of Congress. For example, in collaboration with the disability community, the industry is developing guidance and best practices for the handling and stowage of mobility aids to reduce the potential for damage.

Also, A4A and Airports Council International-North America are establishing a working group to develop guidelines and best practices for assisting passengers with disabilities with self-identification upon arrival at the airport.

The aviation industry is also working with the Rehabilitation and Engineering Society of North America, RESNA, along with the disability community, to develop standards for mobility aids in air travel. Last year, RESNA issued design and testing standards for mobility devices that are better designed for air travel.

A4A and our members are also working closely with disability community organizations on other initiatives, including improving the safe travel of service dogs and assistance during TSA security screening.

Some air travel barriers require holistic and broader solutions beyond the aviation industry. For example, unfortunately, many mobility aids are solely designed for in-home use, not the rigors of air travel. We strongly encourage stakeholders, including lawmakers, the health insurance industry, and the mobility aid manufacturing community, to recognize that individuals who use mobility aids routinely travel by air and that we need mobility aid designs that facilitate safe and seamless air travel, but never, never with additional cost to the user.

In closing, the safety of our passengers, including passengers with disabilities, as well as our employees, is the top priority for U.S. airlines. As reflected in our members' most recent commitment, we are dedicated to an inclusive experience for passengers with disabilities.

We appreciate and look forward to continuing our collaboration with Congress and our partners testifying today to identify accessibility barriers and solutions. Along with our partners, we look forward to implementing holistic solutions that are realized collaboratively, safely, and efficiently, ensuring that air travel remains inclusive and available for all passengers.

Thank you, and I look forward to your questions.

[Mr. Keithley's prepared statement follows:]

**Prepared Statement of Graham Keithley, Vice President and Associate
General Counsel, Airlines for America**

Good morning, my name is Graham Keithley, and I am Vice President and Associate General Counsel at Airlines for America (A4A). A4A appreciates the opportunity to testify today, and I am honored to be presenting alongside our disability community, airport and Federal partners on this important topic.

A4A thanks the Committee for holding this hearing, and your commitment to oversight of passenger accessibility issues. The hearing reflects the important and growing attention by all stakeholders to improve air travel accessibility for persons with disabilities. A4A members are committed to accessibility, and they are working

diligently with disability community partners, the Department of Transportation (DOT), the Federal Aviation Administration (FAA), and other stakeholders to improve air travel accessibility. A4A members take these issues very seriously and are committed to the dignity and respect of all passengers.

All stakeholders recognize more work needs to be done. U.S. airlines are the first to acknowledge that even one incident that jeopardizes the safety of passengers with disabilities is unacceptable. A4A member airlines are fully committed to improving air travel accessibility for passengers with disabilities and have taken on several initiatives to better the disability community's travel experience in both the short and long-term.

BACKGROUND

Congress has long recognized the unique complexities and challenges of air travel for individuals with disabilities. With that understanding in mind, in 1986, Congress passed the Air Carrier Access Act (ACAA) which rightfully protects the individual rights of those in the disability community from discrimination while also ensuring aviation safety.

The ACAA directed the DOT to issue and promulgate a regulatory framework uniquely designed to address traveling with disabilities in the aviation environment, which is unmatched by any other industry. In aviation, passengers are exposed to forces unobserved in any other mode of transportation and in a vehicle with sophisticated engineering and design that ensures an unparalleled level of safety for all passengers and crew. Airline networks and operations are more complex than any other mode of travel. Accordingly, DOT, with its special expertise in this aviation environment, standardizes the removal of air travel barriers through its regulation under the ACAA, helping ensure seamless, safe and accessible travel for passengers with disabilities. Today, the airline industry complies with the resulting regulatory framework.

AIRLINE EFFORTS TO IMPROVE ACCESSIBILITY

A4A passenger members are dedicated to improving air travel for passengers with disabilities. Most recently, our members announced a renewed commitment to improve accessibility and support for the DOT's Passengers with Disabilities Bill of Rights. This commitment was established after hearing from passengers with disabilities and their advocacy organizations about accessibility concerns, including those raised during A4A's passenger accessibility summit, which was instituted last year.

As part of the commitment, our members have committed to taking distinct actions to improve air travel accessibility. Each member will have a passenger accessibility advisory group that includes the disability community to more acutely help airlines incorporate accessibility into their policies and operations. Mobility aid handling is also a focus area of improvement, including the transfer of passengers between their mobility aids and seats. Additionally, accessibility services training will be improved for all frontline employees and carriers will educate all their employees about passengers with disabilities. Finally, our members also continue to support the study and development of more accessibility features on aircraft that will broaden air travel opportunities for passengers with disabilities. While some improvements will take time, our members are committed to making progress and taking action to implement these commitments.

COLLABORATIVE EFFORTS TO IMPROVE ACCESSIBILITY

Over the last decade, A4A passenger carriers have and continue to be actively engaged in many collaborative efforts to improve air travel accessibility in addition to their respective internal efforts. These initiatives include:

2016 DOT Negotiated Rulemaking. In 2016, the airline industry, aviation stakeholders, the disability community and the DOT came to an agreement on regulations for accessible lavatories on single-aisle aircraft and improved accessibility of in-flight entertainment. The DOT is now finalizing the regulations on accessible lavatories. The industry looks forward to the implementation of those agreed upon terms and items.

DOT Air Carrier Access Act Advisory Committee. Air carriers have been heavily involved with the DOT's Air Carrier Access Act Advisory Committee (Advisory Committee) which was formally established in September 2019 per direction from Congress in the FAA Reauthorization Act of 2018.

Earlier this year, that Advisory Committee sent a final report to DOT Secretary Pete Buttigieg which contained 26 consensus recommendations, including fifteen

best practice recommendations specific to industry, including airlines, airports and manufacturers. The recommendations target an abundance of accessibility issues varying from ticketing practices, seating accommodations, stowage of assistive devices, assistance at airports and on aircraft, to related training.

Based on the Advisory Committee's recommendations, the industry has already been hard at work. Led by the International Air Transport Association, (IATA), the aviation industry and the disability community are developing industry-wide guidance and best practices for the handling and stowage of mobility aids to reduce the potential for mobility aid damage. A4A and Airports Council International-North America are establishing a working group to develop guidelines and best practices for assisting passengers with disabilities with self-identification upon arrival at the airport.

Carriers also look forward to participating in the reconstituted Advisory Committee that the DOT is reestablishing now.

Rehabilitation and Engineering Society of North America. The aviation industry is also working with an interdisciplinary association for the advancement of rehabilitation and assistive technologies, familiarly known as Rehabilitation and Engineering Society of North America (RESNA), along with the disability community, to develop standards for mobility aids and air travel. Last year, RESNA issued its requirements and test methods for mobility devices better designed for air travel. The standard includes features that will facilitate airlines' handling and stowage for air travel, such as tie down points, markings, and air travel configurations. Through RESNA, the aviation industry continues to work on the next chapter to address the handling of mobility aids that meet RESNA's design standards.

Other Collaborations. A4A and our members are also working closely with various disability community organizations. Our efforts include, but are not limited to:

- *Assistance Dogs International (ADI).* ADI is a worldwide coalition of non-profit programs that train and place Assistance Dogs. The airlines have worked with ADI to improve air travel for passengers traveling with service dogs, including facilitating travel for trainers who are delivering service dogs to their handlers and addressing conflicts with rules in foreign countries. We are also working with guide dog user advocates on potential state-level projects to reduce fraudulent service dogs that jeopardize the safety of our passengers, the accessibility of passengers that use legitimate service dogs, and the safety of our employees.
- *Transportation Security Administration (TSA) Aviation Security Advisory Committee's (ASAC) Passengers with Disabilities Working Group.* Through A4A, the airline industry is also actively engaged with the TSA to improve accessibility during the security screening process. Airlines already provide assistance to passengers with disabilities during security screening, but the industry continues to work on ways to improve coordination among our TSA, airport and disability partners to remove potential barriers faced during security screening.

HOLISTIC SOLUTIONS NEEDED

Airlines are committed to continual improvement on accessibility issues, but some instances call for holistic and broader solutions outside the narrow parameters of the aviation industry. For example, an area that airlines have asked DOT and all stakeholders to focus on is mobility aid design. Design is a significant barrier and the root cause of many mobility aid damage situations. Unfortunately, many mobility aids are simply not designed for the rigors of air travel and many are solely designed for in-home use. Specifically, many mobility aids lack tie-down points that would allow airlines to better secure the mobility aids in the cargo area of the aircraft and prevent damage during take-off, landing or turbulence. We have strongly encouraged stakeholders, including lawmakers, the health insurance industry and the mobility aid manufacturing community, to recognize that individuals who use mobility aids routinely travel by air and that we need solutions that ensure that mobility aid designs facilitate safe and seamless air travel. As Congress reviews this and many other accessibility issues, we encourage lawmakers to broaden the factors considered in finding effective solutions in a more holistic manner.

COMMITMENT

In closing, the safety of our passengers, including passengers with disabilities, as well as our employees, is the top priority for U.S. airlines. As reflected in our members' most recent commitment, we are dedicated to an inclusive experience for passengers with disabilities. We appreciate and look forward to continuing our collaboration with Congress and our partners testifying today to identify air travel accessibility barriers and solutions. A4A members have doubled down on their efforts to improve accessibility and ensure that passengers with disabilities are treated with

dignity and respect. Along with our partners, we look forward to identifying and implementing holistic solutions that are realized collaboratively, safely and efficiently—ensuring that air travel remains inclusive and available for all passengers.

Mr. LARSEN OF WASHINGTON. Thank you, Mr. Keithley. I very much appreciate that.

I appreciate all the panelists.

We will now turn to questions. And we will first recognize the chair of the full committee, Mr. DeFazio of Oregon, for 5 minutes.

Mr. DEFAZIO. Well, thank you, Chair Larsen.

And thanks to all for your testimony today.

First, to Brian Ryks, you gave a number, I think \$120 billion over the next 10 years, projected for airport improvement and needs?

Mr. RYKS. Chairman, that is correct.

Mr. DEFAZIO. And how much of that can we see funded?

Mr. RYKS. How much of it will we see funded?

Mr. DEFAZIO. Yes.

Mr. RYKS. Probably a small portion of it.

Mr. DEFAZIO. OK.

So, I guess that kind of raises the issue, which I will be passing on to Garret Graves, who I think will chair this committee in the future, of whether or not we should raise the passenger facility charge so we have a user fee which pays for the airport improvement, as opposed to putting that burden on the general public.

Do you think that will be necessary?

Mr. RYKS. That is certainly something that airports have been in favor of for many years.

Mr. DEFAZIO. OK. All right. Well, let's hope they can get it done.

I am passing the baton here, Garret.

For Heather Krause, did you say that complaints were up 50 percent? Was this what you said?

Ms. KRAUSE. Yes. I was citing the DOT complaint numbers. And so, from 2019 to 2021, they were up 54 percent, disability-related complaints.

Mr. DEFAZIO. Wow. OK.

How accessible is the complaint process? I mean, years ago I established a 1-800 number, and I think it went away. I don't know whether—and it was supposed to be posted everywhere.

Ms. KRAUSE. Yes, we have certainly looked at that and made recommendations to DOT, where they have taken some actions to make the complaint process—make it more known that that is a process through which folks can register complaints. So, they have done some more public outreach on that and improved their websites.

Mr. DEFAZIO. OK. So, you think it is fairly well known and accessible but probably not optimally?

Ms. KRAUSE. I think it is always good to continue to make folks aware of resources that are out there.

Mr. DEFAZIO. OK. Great.

And, then, to Graham Keithley, so, I mean, you have heard the testimony. We have a ways to go. Things are better, but we have quite a ways to go.

And I guess one of the key things is, I think airline employees are getting training on how to handle these aids and people, but

in many cases the airlines are using contractors, who have a high rate of turnover, low pay, and I don't think that they are getting adequate training—or are they getting any training at all?—on passengers with disabilities.

Do you have knowledge of that, of some of your member airlines?

Mr. KEITHLEY. Chairman DeFazio, thank you for the question.

Airlines do actually have to take responsibility for the training of their contractors to help with passengers with disabilities. That is part of the DOT regulations.

That is also part of our members' commitment to improve their training for all their frontline employees that do help passengers with disabilities, and part of that commitment is to facilitate improvements with their contractors that also help.

Mr. DEFAZIO. OK.

And, Ms. Ansley, what are you hearing about the contractors and others in terms of their capability of dealing efficiently with people with disabilities?

Ms. ANSLEY. Thank you for the question, Chair DeFazio.

Unfortunately, what we are hearing is that contractor employees are ill-equipped to assist people with catastrophic disabilities, in terms of communication, not being able to follow the direction of the individual, not knowing how to use the aisle chair, which is the device you have to use to get on the aircraft, and also not understanding proper procedures, such as showing up with one individual to try to transfer somebody who is over 200 pounds from a wheelchair into a passenger seat.

Mr. DEFAZIO. Hmm. OK.

Anybody else have a comment on the adequacy or inadequacy of the contract employees or others?

[No response.]

OK.

Mr. Scott, congratulations on your numerous successes in competing. Do you have a comment on those issues when you have had problems, how responsive or who was responsible for the problem?

Mr. SCOTT. Thank you for the question.

I feel that, in processes like these, I feel that the people that are handling me with an aisle chair or handling my chair or other sport-related equipment or personal equipment just lack the training or, as you mentioned, can just be contracted, that have nothing to do with the airline.

Mr. DEFAZIO. OK. All right.

My time has expired. Thank you, Mr. Chairman.

Mr. LARSEN OF WASHINGTON. Thank you.

We will now turn to Representative Graves of the great State of Louisiana for 5 minutes.

Mr. GRAVES OF LOUISIANA. Thank you, Mr. Chairman. I appreciate you recognizing the greatness of my State.

Ms. Ansley, thank you for being here.

We have had a number of folks that have spoken to us about technologies that have helped to improve the experience for those with disabilities, for many of your members, especially in the area of navigating airports. I am just curious if you have examples of different technologies that have improved that experience, one.

And, two, you cited a number of safety and other concerns in your testimony. Are there other technologies that you have seen, I guess I will use the term “partially deployed” or are promising to address some of these remaining concerns that you have?

Ms. ANSLEY. Thank you for the question, Ranking Member Graves.

Unfortunately, technology is not very available to assist people with disabilities who use wheelchairs. It is still a very antiquated, hands-on process.

There is a device that would help individuals transfer from their wheelchair into the aisle chair and then into the passenger seat that is designed like a lift you might find in a hospital. That is mechanical. It needs an individual to operate it, but it is mechanical. That is available in some places, a limited number of places. But, for the most part, technology has not really improved.

There have certainly been technological improvements for people in navigation, as you mentioned, for people who are blind, low-vision. So, there have been technological improvements, but wheelchair users, unfortunately, have not been the beneficiary of many of those.

Mr. GRAVES OF LOUISIANA. Thank you.

Mr. Scott, you made note of, I guess, the sensitivity with the damage of equipment like wheelchairs. Could you describe the process that you go through to identify or alert folks about the damages that have occurred or just reporting those concerns?

Mr. SCOTT. Yes. Of course.

So, immediately when getting off of an aircraft, the first thing that we are meant to do is to check to make sure that everything is in working condition.

Once we realize that it has been broken, damaged, or destroyed, there is a long customer-service process—filling out the right forms, making sure that everything is documented.

And I will add that a lot of the airlines are taking accountability when it comes to replacing these items. But, as I mentioned in my testimony, when they have been mishandled and mistreated by people that are untrained, just simply replacing those items is not enough.

Mr. GRAVES OF LOUISIANA. What about the process of before you fly, the process you go through to actually alert the airport, or excuse me, the airline that you would need assistance traveling? Could you describe that process?

Mr. SCOTT. Absolutely. Even when buying my ticket, I indicate that I am traveling with a disability and have a manual wheelchair. They ask if you have a manual wheelchair or an electric wheelchair. I indicate that upon arrival.

I go through the airport with both of my chairs, my everyday chair and my basketball chair. And when I get to the gate, before we take off, they are given a gate check tag that claims the size, the condition, and the weight of the chair before it takes off. So, it is tagged before we arrive there. They know that they need to bring that to the gate when I arrive.

Mr. GRAVES OF LOUISIANA. Thank you.

And, Mr. Keithley, in your testimony you describe a number of the actions that airlines have taken and your part of the commit-

ment to improving ability. Can you elaborate on some of those actions and provide an update on the commitments that you have made?

Mr. KEITHLEY. Yes, Ranking Member Graves. Thank you for that question.

We would characterize our commitments and our initiatives in three steps: We have industry airline-particular initiatives, we have industrywide initiatives, and we have initiatives to improve the entire holistic air travel environment.

Airlines right now, and our members in particular, have taken on the renewed commitment to improve accessibility. It is a four-part action commitment to include having the accessibility advisory groups to incorporate the disability community into our operations and procedures development. We have improvement of handling mobility aids. We have the improvement to our training, as well as our support for the study and development of new technologies to make aircraft more accessible.

Along that initiative, we also have a number of industrywide initiatives including those led by our companion association, the International Air Transport Association, to improve coding of disability requests, to improve mobility aid handling.

And then we also have the efforts, which I mentioned earlier, regarding RESNA and the improvement of mobility aid handling.

So, it's a multipart process to improve the accessibility experience.

Mr. GRAVES OF LOUISIANA. Thank you.

Mr. Chairman, I yield back.

Mr. LARSEN OF WASHINGTON. Thank you.

I recognize myself for 5 minutes.

My first question is for Mr. Scott. If you could expand a little bit, Mr. Scott, on how air travel has changed for you from when you first started to now. And would you characterize that as improvement, and what would you characterize as the next two things that need to happen?

Mr. SCOTT. From when I first began traveling as an athlete, I will say that the process has improved. To say it's dramatically improved, definitely not, but there has been an improvement as far as accountability is concerned. It used to be a legitimate fight in order to help realize the damage that has been done and get the airlines to be accountable for the replacement of this equipment.

The next question you asked is, what are the next things that need to happen.

As I mentioned before, the untrained personnel that are handling this equipment, I don't think they realize the sensitivity of handling these wheelchairs or handling these assistive devices. With the proper training, maybe that could alleviate some of those challenges.

Also, having a place to store this equipment and store these assistive devices on board so the passengers actually have a hand in how that is handled and how that is stored—when I am traveling internationally, a lot of times the airplane is a little bit bigger, and I am able to bring my chair on board. Because it is, you know, the chairs are made very suitable for travel. So, I am able to take my wheels off and put them in a closet that is usually meant for an

airline hostess to put their bags in. But they have allowed me to use those things.

So, having something like that, a larger area to put assistive devices in, could be something that alleviates all of this.

Mr. LARSEN OF WASHINGTON. Thank you.

Ms. Ansley, could you give me a perspective, give us a perspective on what the wheelchair we see at a hospital or such costs versus the value of a wheelchair that one of your members might be using for their day-to-day living?

Ms. ANSLEY. Thank you, Chairman Larsen.

So, the average chair that someone might see at a hospital that is just at the entrance that someone can use in no way compares to a highly customized wheelchair that most individuals with spinal cord injury, or ALS or MS use in their daily lives.

They are literally pieces of equipment that are very durable. They are designed to be used outside the home, and they can cost tens of thousands of dollars.

It is often a fight for people to get the chair they need, even the one that their doctor has prescribed for them. Through the VA, our members are able to more easily get access to equipment, but the average individual, it can be quite a struggle.

And in terms of what that chair, like I said financially, could be tens of thousands of dollars. But to the individual who relies on it, there is no price.

Mr. LARSEN OF WASHINGTON. Thank you. Thank you.

Ms. Krause, in your report, pages 11 through 13, you listed sections, various sections of the 2018 law. Several of those sections are still in progress.

How many of those are sort of in progress because it was a process recommendation versus the ones that there should be a hard deadline and things should be done? And then why aren't those things done?

Ms. KRAUSE. Yes. So, the 10 provisions, 5 of them have been completed. So, some of those related to studies that needed to be completed, as we have talked about, the data related to reporting mishandled wheelchairs and scooters, as well as a service animal notice.

The ones that remain, yes, some of those were related to getting recommendations from the advisory committee and others. I think the other thing that DOT officials have discussed with us is just that office has been busy addressing the surge and complaints that they have had related to the pandemic and the refunds, as well. So, that is contributed to them working through and trying to prioritize efforts.

Mr. LARSEN OF WASHINGTON. OK. Thank you.

I have got a little time left. I will respect the other Members and move on and will now recognize Mr. Stauber of Minnesota for 5 minutes.

Mr. STAUBER. Thank you, Chair Larsen, for holding this hearing. Very important.

Brian Ryks, welcome. For those of you who don't know, Brian and I go back a ways when he was executive director of the Duluth International Airport. You left it in good hands, and Tom Werner is following up. He is doing a great job.

I have the privilege of flying out of Duluth and Minneapolis quite a bit. Mr. Ryks, MSP is awesome. It is a great, great facility. I have flown around the country and many parts of world and MSP compares and does great work for the passengers. It is a pleasure to fly. I want you to keep up the good work. I know you will, and you are very well-respected in this arena.

One of the things that I just want to share with all of you is, hearing Mr. Scott's testimony and others that have disabilities, I have a child who has Down syndrome, and the prognosis is severe and profound. So, his walk is different. His gait is different.

And I have to tell you that when we have flown with our Isaac, getting from one gate to the other and walking is very difficult. So, when we need that assistance, wheelchair assistance, or electric carts, sometimes it is difficult. Once we get off the plane, if it is even delayed just a little bit, the apprehension that Mom and Dad have and other family members with us to try to make that connection.

I would just say that we have had, I think, mixed results in getting to our gates with the assistance of a wheelchair and/or the electronic cart, when requested.

So, I think that we are all here today to try to improve on that. This is our goal, to improve. And I know that Chair Larsen and I spoke about this last week. This is an extremely important component of safe and effective and really making the air travel experience even better.

So, I would just say this, that from hearing the testimony of Mr. Scott today, I can't imagine getting off an airplane and having your mobility device damaged. I don't know—other than the way he described it, I can't imagine.

And so, to me, that seems like training that can be something simple to incorporate for when they get off that plane, so that they have their mobility device, they have that in working condition so they can enjoy wherever they are.

Mr. Ryks, I just want to talk to you. Tell me about how MSP handles those with disabilities in the airport and how you make changes to accommodate such passengers and make it easier and friendly for the families. I have seen it. I just want you to reiterate more.

Mr. RYKS. Thank you, Member Stauber. It is great to be here today, as well, and with you and see you again.

We have a program called Navigating MSP, which is a program that was started over 10 years, actually close to 15 years ago. And that program is around, as I mentioned in my testimony, about bringing families and individuals that have concerns about flying into the airport and doing a run-through.

We have a wonderful partnership with Delta Air Lines in establishing that program and their support of that program. It actually brings people onboard aircraft. I mentioned we have a mock aircraft training facility currently. And that does wonders. There have been thousands of individuals and families that have been through that program. And I can't tell you how appreciative they are of that investment, of time, and service, not only from our staff, but from airline staff, the CBP, the TSA, really to work through that.

So, there are a number of things that we have going.

Some of the other things: I talked about Aira to help navigate individuals that have issues with vision through the facility. That is a great program. We pay for that as an airport. We are serious about that customer service element. We are piloting a talk-to-text program that actually will text gate announcements to individuals that are waiting for the aircraft.

As far as the wheelchair issues and concerns that we have talked about this morning, we also entered into an agreement with a company to have a wheelchair and scooter repair service right on the airport so that if there are issues coming off an aircraft, they can contact them and get a spare issued while their wheelchair is being repaired.

So, we are very proud of the proactive nature. I think our focus is really on customer service, and I think that is the foundation of addressing these issues.

Mr. STAUBER. Thank you very much. My time is up, but keep up the great work. Thank you.

Mr. LARSEN OF WASHINGTON. Thank you, Representative Stauber.

The Chair now recognizes Representative Cohen of Tennessee for 5 minutes.

Mr. COHEN. Thank you. I want to thank Chairman Larsen and Representative Burchett for holding this important hearing today. I appreciate this subcommittee's interest in the challenges for passengers with disabilities and making air travel more accessible.

One issue I have been working on extensively for many years is ensuring that minimum seat dimensions necessary for passenger safety, including seat pitch, width, and length, are available, especially how that affects airplane evacuations.

In 2018, I was proud that the SEAT Act that I sponsored became part of the FAA reauthorization—that was in 2018—and finally required the FAA to evaluate this issue and establish minimum dimensions for airplane seats.

Even though the FAA was congressionally mandated to act on this provision within 1 year, the FAA did not begin testing in Oklahoma until late November and December of 2019, well after the deadline.

During its testing, the FAA limited study to able-bodied individuals between the ages of 18 and 60, excluded individuals with disabilities, lap children, seniors, significantly overweight people, totally not part of the team.

Even worse, the FAA did not disclose the results of their quote, unquote, “study” until March of this year. This is 2022, 4 years. They were supposed to do it within a year. The FAA concluded that seat size and spacing did not adversely affect the success of emergency evacuations.

Ms. Krause, in your testimony you stated that for passengers with disabilities, embarking and disembarking the aircraft can be a lengthy process and require assistance from personnel.

In your opinion, how can a study that neglected to account for factors like disabilities, specifically wheelchair use or people with braces and orthotics, not be used to inform policies on cabin evacuations and minimum seat size?

Ms. KRAUSE. Our understanding is FAA is in the process of now it had put out a notice to gather comments, to get some insights on passengers with disabilities and thoughts on the safety in terms of seat size. And so, that comment period recently closed, and they are going through over, I think it is close to 26,000 comments and—

Mr. COHEN [interrupting]. Right. I know that. But this is 4 years after they were supposed to report to us. And they included nobody with a disability in their study, in their evacuations. They were supposed to—which they deemed showed that everything was fine, that they didn't need to change anything.

Ms. KRAUSE. There are some, when it comes to live testing, there are some ethical-type issues to think about when it comes to the type of folks to involve. And that, as I understand, is they did some live testing for FAA study.

Mr. COHEN. Yes, but they had no people with disabilities. And they claim they thought there could be liability. I don't see liability issues. I don't really see it. I am a trial lawyer. I didn't see the liability issues, but it was an error for them to say their study showed something. They should have said their study was faulty because it didn't consider all of the different type of people that are, in fact, on airplanes.

Mr. Keithley, you are on a Zoom with us, I believe. Is that right?

Mr. KEITHLEY. Yes, Congressman.

Mr. COHEN. Thank you, Mr. Keithley.

During the FAA's public comment period, there was an outpouring of concern about shrinking seat size that passengers face in the 26,000 comments. In your testimony, you mention the airlines, quote, "continue to support the study and development of more accessibility features on aircraft that will broaden air travel opportunities for passengers with disabilities," unquote. Thank you for that.

But you also said, "while some improvements will take time, our members are committed to making progress and taking action to implement these commitments."

Thank you again.

At the same time, however, the average width of an airline seat has shrunk from 18 inches to 16½ inches.

Do you think the airline industry practices like shrinking seat sizes and row spacing are compatible with your words, ensuring that passengers with disabilities are treated with dignity and respect?

Mr. KEITHLEY. Congressman, thank you for the question.

Safety is our priority in all of aviation. Safety isn't necessarily my area of expertise. But we are happy to provide a copy of our comments to the FAA's most recent request for information. We look to the FAA to determine what is safe for aircraft and what can be safe for aircraft evaluations.

Mr. COHEN. But you have an opinion, don't you? You think people with disabilities should have a safe experience when they are on that airplane. Is that right?

Mr. KEITHLEY. Mr. Congressman, absolutely we always agree that the safety of passengers with disabilities, like all of our passengers and employees, is the top concern and we look to—

Mr. COHEN [interrupting]. Let me say this. I have got limited time.

I wear a brace. Sometimes with that brace I get up, and it is more difficult to get out of that seat. And especially as small as it gets, if you are in the back, you can't maneuver quickly. And if you don't have people with orthotics and people with canes and people with wheelchairs, you are not going to have an adequate study, and you are not going to be prepared to help people with disabilities get off in case of an evacuation.

Your organization did make some comments on FAA seat size dimensions. Minimum dimension passenger seats are not warranted, you said. The comment argued that further rules regarding minimum dimensions including pitch, width, length of seats are not warranted, while acknowledging the FAA's most recent emergency evacuation did not fully account for a number of human factors, including passengers with disabilities.

We have heard—how can you really be interested in people if you have already said that the FAA study was fine? There has been testimony today about challenges of air travel for people with disabilities and the devastating consequences of uncommon but severe accidents and mishaps on their lives.

In light of this testimony, would you agree it is, quoting FAA's comment, not worth the exposure and futile to account for their experiences?

Mr. KEITHLEY. Congressman, we look to the FAA to determine safety for seat sizes.

Mr. LARSEN OF WASHINGTON. Thank you. We will now recognize Mr. Burchett of Tennessee for 5 minutes.

Mr. BURCHETT. Thank you, Mr. Chairman.

I am going to yield 2 minutes to my friend—former Senator Cohen, when I knew him back in the State legislature—Congressman Cohen, to continue his questioning because I, in fact, was on the seat with a huge gentleman beside me. And we were both squished in there, and it was really uncool. And, besides, he called my mama when my dad died.

So, I am going yield 2 minutes to Congressman Cohen.

Mr. COHEN. Thank you. Thank you, Mr. Burchett. I appreciate it.

I would like to ask, first thing when we started, Mr. Keithley, when I asked the question, you said thank you for the question. That started me thinking your answers aren't going to be really direct and honest because you didn't really want to thank me for that question. That is a question you rather would not have been asked of you. So, I picked up on your drift.

Passing it off to the FAA—I want to know what you think, what the airlines think. To say that you trust the FAA, the MAX went down twice, and you trusted the FAA. Now why do you trust the FAA when they have people dying when MAXes fall out of the sky?

Mr. KEITHLEY. Congressman, as I mentioned earlier, safety is beyond my area of expertise. We are happy to continue working with your office to address the minimum safety size for aircraft seats. But I can't speak to that.

Mr. COHEN. Well, Mr. Shuster was good at helping get this in the bill. And we thought we would have an answer by now, 4 years

later. I submit to you we will get the answers to who killed Kennedy before you give us a true answer on seat size and width from the FAA.

Mr. BURCHETT. That goes to me, Mr. Chairman, I believe.

Mr. COHEN. Thank you, Mr. Burchett.

Mr. BURCHETT. You are welcome Mr. Cohen, as always. And thank you. And my mama would thank you if she were alive today.

Mr. Matt Scott, have the airlines offered you any compensation, and if so, what would that have been, sir?

Mr. SCOTT. No, unless you think of replacement of a chair as compensation, I have never been offered any compensation.

Mr. BURCHETT. Yes, but you are out. I mean, you are out. You said it is an extension of your body. You are out.

Mr. SCOTT. Yes, sir.

Mr. BURCHETT. Well, that is disgusting to me.

Mr. SCOTT. Yes, sir.

Mr. BURCHETT. And thank you. Thank you for your testimony.

Ms. Krause, has the Department of Transportation worked to address the lacking disability training for airline customer service personnel?

I know, when I fly, I fly on American. And the people are very nice, and they are trained and they seem—a lot of expertise there. But there seems to be different—you have different flight attendants. You have different activity. And I am wondering. Is there some equal training that everybody gets and is required to get on this type of thing?

Ms. KRAUSE. So, in terms of training, there is some basic requirements in terms of what airlines need to cover.

When we looked into it, a lot of the airlines, when it comes to training, they do train their own employees on those requirements. But the contracting, so, there is a lot of this. The services, especially the wheelchair service, is contracted out. And so, those—we found, when we talked to the airlines, much of that training is being carried out by the contractors, training their own employees.

We have somewhat limited access to that training. We are able to see some of the topics that are covered. They cover generally the same topics. They can vary in length. They can vary in the time that they cover.

But we have found, based on the information they provided, that they do revisit the training and try to—

Mr. BURCHETT [interrupting]. But there is no specific training that is mandated by DOT or anyone like that?

Ms. KRAUSE. Just the broader top—broader areas to cover.

Mr. BURCHETT. Broader areas, explain that to me real quick.

Ms. KRAUSE. Yes, so, like there is—

Mr. BURCHETT [interrupting]. In a non-Washingtonian way, OK?

Ms. KRAUSE. Sure. Absolutely. So, airlines are required to train their employees on the ACAA regulations and requirements, as well as the procedures related to carrying those out.

Mr. BURCHETT. OK. Thank you.

Mr. Chairman, I will yield the remainder of my time.

Thank you, sir.

Mr. LARSEN OF WASHINGTON. Thank you very much.

The Chair recognizes Mr. Carson of Indiana.

There he is.

Mr. Carson, you are recognized for 5 minutes.

Mr. CARSON. Thank you, Mr. Chair.

It is such heartwarming testimony.

I do have a question. This spring, the DOT opened a new rulemaking to improve lavatory/restroom accessibility on single-aisle aircraft. But I am concerned that the proposed new requirements wouldn't go into effect for 18 years.

In our last authorization bill in 2018, my safety provisions for secondary cockpits were mandated to go into effect within 1 year of being enacted. Unfortunately, industry opposed these safety improvements, complaining about costs.

I would like to get your thoughts about this proposal. Waiting 18 years for accessible restrooms for passengers who need them now, is that the best we can do? What do you recommend?

Mr. LARSEN OF WASHINGTON. Mr. Carson, can you clarify who that is for?

Mr. CARSON. Yes. This is in relationship to the DOT rulemaking to improve lavatory accessibility on single-aisle aircraft. The new proposal would not go into effect until about 18 years. So, it doesn't seem tenable for me. It seems too long to have such a grave inconvenience occur, quite frankly. So, what can be done to address this issue?

And this is coming from constituents. This is kind of the source of this. I would like to get thoughts. I mean, waiting 18 years seems like a very long time for passengers who need them right now. It is certainly not the best we can do. So, I would love to get insights.

Mr. LARSEN OF WASHINGTON. Any of the witnesses, feel free to answer.

Ms. ANSLEY. Thank you.

Mr. CARSON. This is for everyone on the panel, yes.

Ms. ANSLEY. So, access to lavatories is something that Paralyzed Veterans of America has been working on literally for decades and single-aisle aircraft.

We did participate in the negotiated rulemaking in 2016. That led to the agreement of 18 years. We agreed, as I said in my testimony, because we needed a date certain that this would happen. We had literally been discussing this for so long that if we had agreed to something outlandishly, again, 30 years ago, we would be there.

That being said, in our comments to the DOT, that agreement was made in 2016. And the focus was that then airlines would have time to prepare for this change because of the potential loss of seats.

We can say that since then, nothing has happened. In fact, PVA had to sue DOT to move the rule forward. And we believe that the proposal that should come out from DOT is at least 12 years at the very least, and that is in line with our agreement, and we do stand by our agreement.

I will say that I have had the opportunity in recent months to actually go in an accessible lavatory with some of our members that meets the requirements of the law or what the rule would be.

It is almost to the point of being able to be fully certified, and it wouldn't require a loss of seats.

And we hope that airlines would not wait for the rule, but would move as expeditiously as possible because this is an injustice and inequality.

Mr. CARSON. That is so true.

If I could follow up, Mr. Keithley, you noted that under the prior administration, the DOT has said that requiring accessible lavatories on single-aisle aircraft could lead to a loss of revenue. What is your response to that now? Is that still a prevailing thought?

Mr. KEITHLEY. Congressman, the agreement from the 2016 negotiated rulemaking took into consideration many factors, including the manufacturing cycle, the design cycle.

As far as I understand it, which the comments submitted by the manufacturers to the Department of Transportation, there actually is no currently fully accessible lavatory that meets DOT's proposed standards. So, they will still have to go through the design, manufacture, and acquisition process.

We look forward to working closely with our manufacturing partners and with the DOT and the disability community to bring that rulemaking into fruition and implementing it.

Mr. CARSON. Thank you.

I yield back, Chairman.

Mr. LARSEN OF WASHINGTON. Thank you, Representative Carson.

I recognize Representative Steel of California for 5 minutes.

Mrs. STEEL. Thank you, Chairman Larsen, Ranking Member Graves, and the witnesses.

Orange County is the Nation's fourth largest with the highest veteran population. Veterans have made immense sacrifices on behalf of all of us, and one of my top priorities in Congress is to ensure that our veterans can receive high-quality accommodations and timely services.

As mentioned by our witnesses, many disabled veterans travel frequently, especially around this time of the year during the holidays to see families and friends.

The TSA screening process is an important part of traveling. However, it can also pose many challenges for our disabled veterans, particularly for those with prosthetics, wheelchairs, and other mobility aids.

So, Ms. Ansley, if the VETS Safe Travel Act passes the House of Representatives and becomes law, how will this improve the experience for our disabled veterans? And how will this impact the airport security experience, not just for disabled veterans but for all travelers?

Ms. ANSLEY. Thank you for the question, Representative Steel.

The VETS Safe Travel legislation would make the TSA PreCheck program available free of charge to any veterans who meet all the requirements of the program, and who use prosthetic devices and wheelchairs, so that they can access the PreCheck experience.

For a person who permanently uses a wheelchair as part of their daily life, if they have PreCheck, they are able to have their hands or wheelchair feet swabbed to see if there are explosives. And if there aren't, they are good to go. That is the end of their screening.

If they have to go through the standard screening process, then that requires a full pat-down, which takes a long time, requires hands-on movement of individuals. And it can be very invasive and very lengthy.

And we would like to provide ways to make sure that our veterans are able to avoid those pat-downs, and we also call on TSA to implement technologies that would allow wheelchair users to not automatically be flagged for these types of screenings.

Mrs. STEEL. Thank you so much.

And, Mr. Keithley, with inflation skyrocketing, increased fuel prices, and rising general costs, the price of airline tickets are difficult to many to purchase, especially around the holidays.

With this in mind, how many of your members offer veterans discounts on airline tickets?

Mr. KEITHLEY. Congresswoman, thank you for the question.

Unfortunately, I don't have the information on our members' discounts. I am not an expert in our members' fare structures, but I am happy to work with our members and get information over to your office.

Mrs. STEEL. OK. Thank you very much.

Thank you, and I yield back, Mr. Chairman.

Mr. STANTON [presiding]. Thank you very much.

The Chair recognizes Congresswoman Williams.

Ms. WILLIAMS OF GEORGIA. Thank you, Mr. Chairman.

And thank you to all of our witnesses who are here today.

There are 42 million Americans who have a disability. It is enough of a challenge to travel hundreds of miles. We shouldn't have anyone living with the fear of their mobility aids being lost, damaged, or mishandled when traveling, as we have heard from our witnesses today. Air travel should not only be accessible, but also a safe and dignified experience.

Ms. Ansley's testimony cited GAO's 2020 report on the accessibility of U.S. aircraft lavatories, specifically that accessible lavatories are available but that carriers don't often choose to acquire them.

Mr. Keithley, could you elaborate on why carriers are often hesitant to acquire accessible lavatories?

Mr. KEITHLEY. Congresswoman, thank you for the question.

And referring back to my answer a little bit earlier, none of those lavatories actually meet the DOT standards which DOT has proposed. We are looking forward to the DOT finalizing its rules, which are supposed to come out next April, so that the manufacturers can start meeting those obligations, and airlines can start installing them.

Ms. WILLIAMS OF GEORGIA. Thank you.

So, I just want to make sure that I am hearing that. So, even the current ones are not sufficient.

Mr. KEITHLEY. Congresswoman, yes, from our understanding of the comments of the manufacturers, the current solutions do not meet DOT's proposed requirements.

Ms. WILLIAMS OF GEORGIA. Thank you.

And, Mr. Ryks, my district is home to Hartsfield-Jackson Atlanta International Airport, and I know you all have heard me say it is the world's busiest and most efficient airport. But if it is not effi-

cient enough to make sure that it is accessible for all passengers, then I have got work to do.

So, given your expertise and familiarity with the large hubs, what can Congress do to help large airports become more accessible?

Mr. RYKS. Thank you, Representative Williams, for the question.

I believe, as I said in my testimony, it comes down to funding, first and foremost. There are a lot of needs out there. I mentioned the shortfall is significant. And so, Congress could go a long way in really supporting additional funding for the Airport Terminal Program and the AIP program in general. I think the recognition of the priority of accessible airports for all certainly would help in that regard to prioritize those investments.

Ms. WILLIAMS OF GEORGIA. In your testimony, you mentioned that next year's FAA reauthorization is an opportunity to narrow the gap and make our airports and terminals more accessible. Can you elaborate more on what those policies might look like?

Mr. RYKS. Well, again, I think certainly recognizing—I think the ATP program went a long way to recognize that airport terminal projects should be prioritized and that there was a backlog there. So, I think that, again, given that much of these investments are in facilities for airports, that prioritizing those investments, maybe looking at eligibility requirements for those investments at airports would be a good start.

Ms. WILLIAMS OF GEORGIA. Thank you, Mr. Chairman.

And I yield back the balance of my time.

Mr. STANTON. Thank you very much.

The Chair now recognizes Congressman Johnson.

Mr. JOHNSON OF GEORGIA. Thank you, Mr. Chairman, for holding this hearing.

And thank you to the witnesses for your time and for your testimony.

Airline employees and contractors are responsible for properly handling cargo which for passengers with disability includes mobility aids such as wheelchairs.

However, too often, we see that this equipment is not being handled with appropriate care as required under Federal law.

For example, earlier this year, we saw many Paralympians arriving at Atlanta's Hartsfield-Jackson International Airport to compete in the July 4th annual AJC Peachtree Road Race. Numerous passengers reported damages to their wheelchairs. And for some, their chairs never arrived, forcing them to bow out of the competition completely.

As one racer, Julia Beckley from Colorado, stated, quote, "Things get broken and that sucks, but when you lose someone's day chair and race chair, you're taking away their entire life in a second," end quote.

Unfortunately, this is because airline employees aren't sufficiently trained about how mobility aids, particularly wheelchairs, should be handled.

Ms. Ansley, can you speak to the gaps in training among airline workers on the storage and handling of specialty mobility aids that impacts passengers with disabilities and proves financially burdensome?

Ms. ANSLEY. Yes. Thank you for the question, Representative Johnson.

Certainly we do know that there are many gaps in not only training, but also in the infrastructure surrounding wheelchair stowage. So, we often know that information that is provided by passengers about their wheelchair may not be fully conveyed through their travel process so that everyone knows they are traveling with a wheelchair, including upon their arrival.

We also know that there are often gaps in the resources that are available to get the wheelchair into the cargo area. And it is important to note that, depending on the aircraft, it can actually be very difficult or even impossible practically to get a wheelchair into the hold, to store into the cargo area because aircraft are not designed to accommodate wheelchairs. It is an afterthought of accommodation that only came, quite frankly, because of the passage of the Air Carrier Access Act that we have to accommodate passengers with disabilities. And it is still evident in the structure that you see in the airports system.

There are also difficulties in being able at times, particularly with power wheelchairs, to get them from the jetway, where the individual transfers from the chair down to the ramp because of placement of elevators within the airport and the infrastructure to get it down to the ramp.

And then, of course, there are concerns with turn time, wanting to get the plane reloaded as quickly as possible to get it on its way.

It also means at times cutting corners, people looking outside the window to see staff lifting 400- or 500-pound wheelchairs, physically lifting them. It is truly dangerous, not only for the individual who has their legs, if you will, being moved in and out of a cargo area, but also the individuals that are left to do this work.

And that is why we support people being able to remain in their wheelchairs on the airplane just like they do on trains and buses and subways and other forms of mass travel in this country.

Mr. JOHNSON OF GEORGIA. Thank you.

Ms. Krause, according to your testimony, we have seen DOT implement several accessibility-related provisions to the FAA Reauthorization Act of 2018.

For instance, DOT issued a notice to the largest U.S. airlines, establishing a compliance date for reporting requirements on the number of wheelchairs and scooters that were enplaned and the number of these items that were mishandled. However, DOT is still working on rulemaking for other requirements under the 2018 law.

What would you say are the limitations that have prevented full implementation of these and other necessary provisions?

Ms. KRAUSE. As they have been working through things, some of this has been contingent on studies being completed and the advisory committee looking into some of these issues and making recommendations.

The DOT office is also fairly small and has had a lot of efforts being directed towards dealing with the refund issues out of the pandemic. But, yes, as you note, they are moving forward on a couple of rulemaking processes now.

Mr. STANTON. Thank you.

Mr. JOHNSON OF GEORGIA. What's been the problem with it having not been—

Mr. STANTON [interrupting]. Congressman, I think your 5 minutes is up. Maybe they can answer that question in writing.

Mr. JOHNSON OF GEORGIA. Thank you.

Mr. STANTON. I will now recognize myself for up to 5 minutes.

I want to thank Chairman Larsen for holding this important hearing. It is especially important for so many Americans.

And I want to thank each of our witnesses for their testimony, especially our colleague, Representative Langevin, and Mr. Scott, for sharing their very personal experiences and a point of personal privilege to thank Representative Langevin for doing such a great job representing his community and all Americans in Congress, an impactful Member of our Congress.

They are not alone. The experiences they described are like so many of the other individuals with disabilities traveling by air. Unfortunately, they are all too common. Last month marked the 36th anniversary of the Air Carrier Access Act which prohibits discrimination against persons with disabilities in commercial air transportation.

Through the act and the landmark Americans with Disabilities Act, we have made significant progress toward ensuring equal access for those with disabilities. But barriers to air travel, inaccessible lavatories, injuries when boarding or deplaning, inconsistent security screenings, and damage to mobility aids, they still persist.

These barriers often force individuals with disabilities to endure additional challenges when traveling. They will dehydrate and fast to avoid having to use the lavatory. Their mobility devices often become inoperable because of damage caused by an airline's handling or storage. For too many, the high stress and anxiety that comes with these situations forces them to simply avoid air travel altogether. This is unacceptable, and we simply must do better.

Mr. Keithley, I have a question for you. I want to touch on Representative Langevin's highlighted issues on lithium-ion batteries, which are becoming more common in power chairs. How frequently are passengers denied boarding because their power chair has a lithium-ion battery?

Mr. KEITHLEY. Congressman, thank you for the question.

I don't have that precise data, but I am happy to go back to our members and get some data information for you. We continue to support the FAA's and the Pipeline and Hazardous Materials Safety Administration's determinations on lithium-ion batteries, and safety is our primary consideration for carrying those batteries.

Mr. STANTON. What steps are the airlines taking to better educate ground crew, gate personnel, and other contractors on the FAA standards for these batteries to prevent situations like the ones Representative Langevin experienced?

Mr. KEITHLEY. Congressman, as I mentioned earlier, our members are engaging in improvements to their training, as well as the training of their contractors. We look forward to incorporating better knowledge of handling and mobility aids and look forward to making improvements in that area.

Mr. STANTON. A question for Ms. Krause.

How do U.S. airlines' current policies on lithium-ion batteries compare to current FAA safety standards?

Ms. KRAUSE. Unfortunately, it's not an issue we have looked at, but I am happy to work with your staff to see if we can get an answer.

Mr. STANTON. I very much appreciate that.

With that, I will yield back.

And our final Member for questioning now is Congresswoman Titus.

Ms. TITUS. Thank you very much, Mr. Chairman.

And I, too, want to thank Mr. Langevin for being such a champion for these issues, and I was pleased to join him in introducing the Air Carrier Access Amendments Act. And I hope that we can make that a priority. We don't have much time before the end of the year, but it's certainly, obviously, from this hearing, very important.

I would like to ask Ms. Ansley the first question. I represent Las Vegas. It is one of the world's top destinations, and we pride ourselves on having very good access for those with disabilities.

We have 40 million visitors a year coming from all around the world. And we know that the travel experience and your holiday, when you talk about it and you reflect on it, begins the minute you leave the house. So, that includes getting on the plane, your experience in the airport, how the plane does to accommodate you.

And I wonder if all of you would address: What are some of the things that we can put in the FAA reauthorization that address some of the questions that have come up today and just make the travel experience better for people with disabilities?

Now is the time. We were going to do this reauthorization. We ought to take advantage of the opportunity to see what we might be able to include.

Ms. ANSLEY. Thank you, Congresswoman Titus, for that question.

And PVA held its 75th annual convention in Las Vegas back in 2021. So, we were—

Ms. TITUS [interposing]. Thank you for that.

Ms. ANSLEY [continuing]. Pleased to be in your State.

We really believe that there is much that can be done in the 2023 authorization similarly to what we had in 2018. That includes including provisions of the Air Carrier Access Amendments Act in the reauthorization. It is truly the only way that we are going to address the structural problems with how aircraft are designed and with processes.

I don't believe that you can train your way out of these issues. Training is a component. It certainly is. But the system is simply not designed to accommodate people who use wheelchairs in air travel the way that we have it today.

And we also support increased enforcement. We have heard a lot about those complaints that are filed with DOT. Many people don't even file the complaints anymore, because they feel like they do and nothing changes.

Even when they get a letter, saying that the complaint was valid, they don't see any changes. They don't receive any compensation. They don't even receive an "I am sorry" from DOT.

If you file with the airline, if you are an incident, typically you may be offered miles to travel on the airline again. They are supposed to fix your wheelchair if they damage it, and it has been disassembled.

We think that people being able to remain in their wheelchair, in addition to enforcement, continuing the work that was done in 2018 in terms of the study on in-cabin wheelchair restraint systems, is another good way for us to move forward and, again, really take this opportunity to make a change, move beyond best practices and individual action.

Forty years of activity in this area has shown us that, unless Congress and DOT act, we don't see changes in the system.

Ms. TITUS. FAA is one of the most hidebound agencies that I know. It's very hard to get them to change, and often they hide behind the "it is all about safety." Well, we certainly want it to be all about safety, but we don't want safety to just become an umbrella excuse for not doing anything.

My second question was going to be just what you mentioned.

To Mr. Keithley, when it comes to disability-related complaints, would you walk us through that process? How do you address them? How do you review complaints? Do you have any people from the disability rights community engaged in that process?

Mr. KEITHLEY. Certainly, Congresswoman.

When an airline receives a complaint, there is a multistep process. If the complaint occurs at the airport—and this is all regulated by the Department of Transportation under a rigorous regulatory regime—if the complaint occurs at the airport, the airline is required to provide what is called a complaint resolution officer. And those resolution officers are supposed to be available 24/7. And they are supposed to have the authority to dispose of the concern, as well as have special knowledge about the ACAA regulations.

If the complaint comes in after the travel experience, the Department also has regulations to require that we respond to the passenger's complaint, to address their potential violation, and also inform them that they can take their complaint to the Department of Transportation.

We take all of that complaint data, we aggregate it, we code it, and provide it to the Department of Transportation to help them identify trends and also help us to identify trends.

Our members are—some of them already have and others are creating advisory boards for the disability community so that they can help analyze those trends, those complaints, and make improvements where they see those trends.

Mr. STANTON. Thank you so much.

Time has ended.

Ms. TITUS. Thank you.

Mr. STANTON. Thank you, Congresswoman.

Next up will be Congressman Mast.

Mr. MAST. Thank you. I appreciate it.

So, Mr. Keithley, I wanted to start with you and just bring up a conversation about walking assisting devices. I walk with a cane on a daily basis. Some people have crutches. There are variations of walking sticks that people use. And I would be curious to know

your opinion on it, recognizing where you come from, from the airlines.

When I get on a plane on a weekly basis, I use my cane to walk onto that aircraft, down the ramp which is sometimes pretty inconvenient because of how steep they are and the fact that for the bulk of those ramps, there are not handrails on the way down. There are just usually two short sets of handrails down where those things accordion, if you want to use that word for it.

But then I get onto the aircraft. And the flight attendants will say, hey, we need to put your cane up into the bin, to which I have had numerous conversations about this. And they said, well, we assure you that if you need your cane, we will get you your cane back, of which I think is absolutely not likely at all, that if there is an emergency situation in the aircraft, nobody is coming back to get my cane out of the upper bin.

And so, I am just wondering your opinion on why that needs to be in place, or does it need to be in place, for passengers to move those mobility aids to the bin?

And I will give you one other statement. It was said to me, well, if you were to pass out, also, then your cane would be in the way. Well, I have two prosthetic legs. And beyond that, I weigh about 170 pounds. So, on top of a cane being in the way, there would be two prosthetic legs and 170 pounds of dead weight. So, I don't think that is a great reason either, but I would be curious to know your opinion on that.

Mr. KEITHLEY. Thank you for the question.

The rules for requiring the stowage of mobility aids were developed with, first, obviously safety is the first consideration in mind.

If there are additional concerns about safety and evacuation, we certainly defer to FAA as our safety regulator as DOT with the expertise in accessibility and safety to make improvements to that regulation to ensure that your evacuation is safe, you have the mobility device that you need, and that the entire flight is safe for all passengers.

Mr. MAST. So, I would just ask that this is something we revisit and look at.

Do you think we could find agreement that it is unlikely a flight attendant is going to come back and get my cane if there is an emergency situation on the aircraft?

Mr. KEITHLEY. Congressman, I think the flight attendants are dedicated to assisting you with your disability and your service needs. I think this is actually a great opportunity for something that the ACAA Advisory Committee could take a look at, which is going to be reconstituted by DOT. And that was the committee that was created by Congress.

Mr. MAST. Good. I appreciate it. I will look forward to looking at that with you all.

I want to bring up a slightly different issue in the 2 minutes that I have remaining. And this is just something that I think is related to assistance for individuals with disabilities but a host of others as well, and I am just going to share a personal story on this.

I was flying from Grand Rapids, Michigan, to Florida. I picked up my father, or, rather, my father was flying back to Florida with me. And he is 92 years old. He doesn't have a printer in his house.

He doesn't have texts enabled on his phone. And so, the ability to actually get him his ticket was something that was limited by his age and his use of technology.

But as we were flying with Frontier Airlines, we did witness that there is a \$25 per passenger, per direction charge to utilize anybody's assistance at the ticket counter.

And actually I printed off the regulation on it. It says "\$25 per passenger, per direction. For customers who have not prepaid, this charge will apply for passengers who choose to utilize assistance from our airport agents." Twenty-five dollars for any assistance.

Now while I was on that flight—and this is something that I would like to help to find an answer to—I was sitting in the second row. And I listened to the two flight attendants on the flight argue for about 45 minutes that the ticket counter agents were receiving a commission off of that \$25 charge, and that Betty or Gayle or whoever the name is that they were talking about working there, had cleared \$3,000 or \$4,000 in the last month off of charging those \$25 charges for every time somebody needs to use the ticket counter.

I don't know if that is true, number one. I want to get facts on this. But, number two, if we were talking about payday lenders outside of military bases or credit cards or something, everybody would be blowing a gasket. And I think this is something that also relates to individuals with disabilities and their access to technology.

So, I hope that we can have help finding an answer on that. Thank you.

Mr. STANTON. Thank you very much, Congressman Mast.

I believe that is all the Members asking questions. So, that concludes our hearing.

I would like to thank our witnesses for their testimony. The comments and insights have been very informative and helpful. I ask unanimous consent that the record of today's hearing remain open until such time as our witnesses have provided answers to any questions that may be submitted to them in writing.

I also ask unanimous consent that the record remain open for 15 days for any additional comments and information submitted by Members or the witnesses to be included in the record of today's hearing.

Without objection, so ordered.

The subcommittee stands adjourned.

[Whereupon, at 11:58 a.m., the subcommittee was adjourned.]

SUBMISSIONS FOR THE RECORD

Prepared Statement of Hon. Sam Graves, a Representative in Congress from the State of Missouri, and Ranking Member, Committee on Transportation and Infrastructure

Thank you, Chair Larsen, and thank you to our witnesses for being here today. I especially want to thank our colleague, Congressman Jim Langevin, for joining us.

Congressman Langevin is a staunch advocate for passengers with disabilities, and I appreciate his work on these issues.

We have made great strides towards making air travel accessible to all Americans.

Specifically, through the Air Carrier Access Act and the Americans with Disabilities Act, Congress addressed significant gaps and successfully worked towards ending disability-related discrimination.

I'm looking forward to hearing from our witnesses about new ways to achieve our shared goal of improving the air travel experience for passengers with disabilities.

Thank you, Chair Larsen. I yield back.

Statement of Maynard Friesz, Vice President of Policy and Advocacy, Cure SMA, Submitted for the Record by Hon. Rick Larsen

Chairman Larsen, Ranking Member Graves, and Members of the Subcommittee, Thank you for holding a hearing to highlight the challenges air passengers with disabilities, including those with spinal muscular atrophy (SMA), face when traveling by air. As the leading national organization that advocates for children and adults with SMA, a neuromuscular disease that affects physical strength, Cure SMA is pleased to share the air travel perspective and experience of the SMA community and provide recommendations for Congress to consider in its reauthorization of the law governing the Federal Aviation Administration (FAA) and air travel in this country.

AIR TRAVEL CHALLENGES FOR WHEELCHAIR PASSENGERS WITH SMA

SMA is a progressive neurodegenerative disease that robs individuals of physical strength, often leading to loss of ambulation and fine motor skills. Many individuals with SMA use power wheelchairs that are tailored to their individualized SMA needs, such as extra back and side supports or a repositioning feature to improve function and breathing. *"Wheelchairs are our legs. Wheelchairs are a lifeline. Wheelchairs are independence,"* a Florida woman with SMA said about the importance of her wheelchair. A Wisconsin man with SMA said *"My power wheelchair is essential to my independence and well-being. It is not a piece of luggage; it is something that I rely on completely."*

Based on the experience of air travelers with SMA, airlines do not seem to place the same value on wheelchairs in their handling and storage process. Many air travelers with SMA report air travel damage to their wheelchairs, despite their own pre-flight precautions. The preparations for a California family with a child with SMA start during the booking process to provide the airline with ample heads-up time. Once they arrange their flights, the family contacts the airline's disability services representative about their son's power wheelchair. They then arrive 3 or more hours early to the airport to begin their onsite steps. They reconfirm with the ticket agent and the gate attendant that the airline is prepared to stow their son's powerchair. They then safeguard the wheelchair for storage in the cargo of the plane by bubble wrapping the chair, removing its joystick, and tagging the wheelchair with "do not tilt" and "push here" instructions. A 52-year-old adult with SMA who travels regu-

larly for work takes similar precautions. *“Given the essential nature of my wheelchair, I expect airlines and airport personnel to transport my wheelchair safely and securely 100% of the time. I estimate that I have experienced some type of damage to my wheelchair on 80% of my trips.”* He went on to say damage ranges from *“something minor, to complete destruction of the wheelchair.”* Other wheelchair-related complaints reported to Cure SMA from individuals with SMA and their families included:

- *“My own specialized wheelchair (worth \$30,000) is broken almost every time I fly.”* Maryland woman with SMA
- *“I am 33 years old, and in my life, I have had my wheelchair transferred to the wrong connecting flight and badly damaged in the luggage hold below the plane multiple times.”* California man with SMA
- *“People with SMA who travel by air must check their wheelchair with no confidence or assurance that their lifeline to independence and mobility will arrive undamaged.”* Texas woman with SMA

In addition to problems associated with wheelchair stowage, air passengers with SMA also encounter common challenges related to seat transfers and inaccessible lavatories. Muscle atrophy and low body tone associated with SMA often prevents individuals with SMA from sitting independently in an aisle chair or aircraft seat without support. Many individuals with SMA are injured during the transfer process because aisle chairs offer limited support. A woman with SMA said *“It can be terrifying. I have been required to transfer out of my wheelchair under the supervision of strangers who have no knowledge about my physical capabilities, range of motion issues, and other critical aspects of my disability.”* Another adult with SMA pointed to limited seat and row space on an aircraft as contributing to unsafe seat transfers. *“My most difficult and most dangerous transfers have come from not having enough room between seats for someone to be on either side of me.”* Inaccessible lavatories also cause challenges for people with SMA. A recent Cure SMA survey found that air passengers with SMA dehydrate several hours before takeoff and schedule flights with multiple layovers rather than direct flights to allow for airport bathroom breaks.

IMPACT OF INACCESSIBLE AIR TRAVEL

Each month, the U.S. Department of Transportation (DOT) reports the number of customer complaints related to lost, mishandled, or damaged wheelchairs and scooters.¹ Behind each of these numbers is a story of consequence and loss, whether related to physical and emotional injury or lost opportunities and impacted meetings, vacations, and family events. A New York man with SMA said he declines work conferences and meetings due to inaccessible air travel. *“I would not have to be the ‘team member left home’ and could join my fellow teammates at these events if I could sit in my own chair for the duration of the flight rather than stow my wheelchair.”* A woman with SMA who travels a couple times a year for work factors time to repair a wheelchair damaged during travel into her plans. *“I usually travel in a day prior to the event to ensure I make it to the event in time and with a working chair. That way if the chair is damaged, I have a little time to try to get it fixed in advance of the actual event taking place the following day, assuming it’s nothing significant.”* A California man with SMA said *“I have lost days of travel, both vacation and work travel, trying to find a wheelchair repair shop in a new city, ordering parts, and scheduling maintenance.”*

A Texas mother of a teenager with SMA described how several wheelchairs on her son’s wheelchair basketball team were significantly damaged while traveling for a basketball tournament. *“Not only was it a dangerous and humiliating situation, but the ramifications of a damaged custom mobility device can include missed school, missed work, and risk of health problems and/or injuries due to using an ill-suited loaner chair.”* Several individuals with SMA avoid air travel all together due to wheelchair damage concerns, despite the personal and professional cost to them. *“I have been unable to attend family weddings. I have missed out on school trips and study abroad opportunities,”* said a Massachusetts man with SMA.

SMA COMMUNITY RECOMMENDATIONS FOR FAA REAUTHORIZATION

Cure SMA applauds past actions by Congress to help make air travel more accessible for passengers with disabilities, first through the Air Carrier Access Act (P.L. 99-435) and then through subsequent FAA reauthorization bill improvements. The

¹Air Travel Consumer Report, U.S. Department of Transportation, 2022, <https://www.transportation.gov/individuals/aviation-consumer-protection/air-travel-consumer-reports>

disability title in the 2018 FAA reauthorization bill (P.L. 115–254), for example, included several important provisions to help increase accessibility for passengers with disabilities, including the air passengers with disabilities bill of rights and the study on in-cabin wheelchair restraint systems.ⁱⁱ In addition, DOT continues its regulatory work related to accessible lavatories in single aisle aircraft and onboard wheelchair design. However, as one adult with SMA put it, “*accessible bathrooms and other incremental improvements are nice but the ability to stay in my own wheelchair during flights is far, far more important to me.*”

Cure SMA and the SMA community urges Congress to require that new aircraft design will accommodate the ability for a person with disability to roll onto the aircraft in their own wheelchair, use it as their airplane seat, and move within the cabin to access an accessible bathroom. Cure SMA supports provisions in the Air Carrier Access Amendments Act (H.R. 1696) to ensure that future aircraft “be designed to accommodate individuals with disabilities” through new design standards. “*I want to be able to roll my wheelchair onto the plane, lock in, and enjoy the flight like every other passenger,*” said an adult with SMA.

However, given the lengthy process to manufacture and operationalize new aircraft, the SMA community also urges Congress to take immediate steps to improve accessibility, including retrofitting existing aircraft to accommodate onboard wheelchair seating. The congressionally mandated study on wheelchair securement systems on aircraft (like those used in buses) found no formidable design and engineering challenges that would “call into question the technical feasibility of an in-cabin wheelchair securement system.”ⁱⁱⁱ Cure SMA supports efforts to fund and complete any final analysis, as recommended in the aircraft securement report, to address operational and passenger accommodation considerations for in-cabin wheelchair use on existing aircraft. Other short-term improvements could include additional staff training related to wheelchair stowage and handling and new aisle chairs that included seat elevators to promote safe transfers.

CONCLUSION

Air travel in the U.S. for individuals with SMA and other disabilities should be accessible and equal. It should not be a “*roll of the dice*” situation as one person with SMA described. Congressional inaction on this important issue will only increase transportation barriers faced by air travelers with SMA and other disabilities, which represents a large segment of the U.S. population. According to a recent national study organized by Paralyzed Veterans of America, Cure SMA, and other national disability organizations, more than 75 percent of people with disabilities would fly at least a few times a year if the current air travel problems for passengers with disabilities were addressed.^{iv} As you consider improvements for air travel for passengers with disabilities, Cure SMA encourages you to examine proposals through the lens of a power wheelchair user with SMA. “*I would love nothing more than to travel around the world and experience travel the same way as able-bodied people. However, due to the complicated, unsafe nature of traveling as a disabled person currently, flying has become an anxiety-inducing nightmare.*”

Thank you for considering the views of Cure SMA and the SMA community.

Statement of Kendra Davenport, President and CEO, Easterseals, and Dr. Catherine “Alicia” Georges, Chair, Easterseals National Board of Directors, Submitted for the Record by Hon. Peter A. DeFazio

As the nation’s leading provider of services and advocacy for people with disabilities, Easterseals proudly represents millions of current and potential airline travelers with myriad disabilities from across our network of 70 affiliates in the United States.

On behalf of the 61 million Americans with disabilities, we thank the House Subcommittee on Aviation for holding this important hearing. We appreciate the opportunity to share our testimony for the record.

Our goal is simple: *make accessible air travel a reality.*

ⁱⁱ FAA Reauthorization Act of 2018, P.L. 115–254, 2018, <https://www.congress.gov/115/plaws/publ254/PLAW-115publ254.pdf>

ⁱⁱⁱ Study on the Feasibility of Wheelchair Restraint Systems in Passenger Aircraft, National Academies of Sciences, 2021, <https://www.nationalacademies.org/our-work/committee-for-a-study-on-the-feasibility-of-wheelchair-restraint-systems-in-passenger-aircraft>

^{iv} ACAA Survey, Paralyzed Veterans of America, Cure SMA, and National Disability Organizations, 2022 <https://pva.org/wp-content/uploads/2022/09/2022-ACAA-Survey-Results-FINAL.pdf>

Easterseals is leading the way to full equity, inclusion, and access through life-changing disability and community services. For more than 100 years, we have worked tirelessly with our partners to enhance quality of life and expand local access to healthcare, education, and employment opportunities. And we won't rest until every one of us is valued, respected, and accepted.

Through our national network of Affiliates, Easterseals delivers essential services and on-the-ground supports to millions of individuals, families and communities each year—from early childhood programs for the critical first five years, to autism services, medical rehabilitation and employment programs, veterans' services, and senior services. Our public education, policy, and advocacy initiatives, at the federal, state and local level, positively shape perceptions and address the urgent and evolving needs of the one in four Americans living with disabilities today. Together, we're empowering people with disabilities, families, and communities to be full and equal participants in society.

People with disabilities are more actively engaged in all aspects of life than ever before. Employers have realized the competitive advantage people with disabilities bring to the table as problem solvers; brands have capitalized on the disability community's loyalty to authentic representation in their product creation and advertising; and, from curb cuts to audible crosswalks, communities are more welcoming to the vast array of people with disabilities.

Further, there is a strong business case to be made, with real money currently left on the table and waiting for airlines to tap. Low estimates are that people with disabilities in the United States—not including their caregivers, family and friends—have some \$22 billion in discretionary income available to spend on such things as travel, entertainment and more.

Thanks to the Americans with Disabilities Act of 1990 (ADA), the work of many public/private partnerships across the country, and organizations like Easterseals, the nation's disability community can travel on other forms of public transit—utilizing trains, buses, ride shares, and taxis, but air travel is still a barrier to overcome. And they've been doing so for decades.

The time has come, 32 years + after the ADA's passing, for the airline industry to join the rest of country in becoming accessible. The ADA legislation was a defining part of our culture, our communities and our world as it is today. The airlines stand alone as the last bastion of this integral change.

We know there is increasing momentum on airline inclusivity. We note the establishment of the Air Carrier Access Advisory Committee in 2019, and we applaud the efforts of the U.S. Department of Transportation in creating an Airline Passengers with Disabilities Bill of Rights this summer. We are thrilled that every airline member of Airlines for America recently signed a pledge to improve safe, accessible air travel to all passengers.

But our advocacy will not and cannot stop until every person with any disability, one in four Americans—whether invisible or visible, blind, hearing impaired, autistic, older adults or Veterans, or with mobility issues—has equal access. And that includes a designated wheelchair spot, for all types of wheelchair users.

Easterseals knows there is still much work to do, and we aren't just here to talk. We are here to partner alongside you, actively innovate and get to work to build a more accessible future for airline travelers with disabilities. We will bring the talent, expertise, insights, passion and leadership of people with disabilities forward to rally around this cause.

During Easterseals' decades of expertise in transportation, we've been tapped at the federal, state, and local levels—as well as internationally—to provide solutions which improve accessible services and systems in partnership with policymakers, transportation agency administrators, human services professionals, caregivers, and advocates to empower communities to be innovators and change-makers.

We see this integral line of Easterseals' service offering as another opportunity for collaboration. And would be honored to leverage the experience of Easterseals' Transportation Group, as well as the voices of millions of people with disabilities across our country within our 70 Affiliates, to build more accessible airways—for all of us.

In the meantime, we would like to share a few perspectives from a variety of different Easterseals' champions, advocates and staff with disabilities who know firsthand the challenges of air travel. Their individual insights are noted on the following pages.

Again, we aren't just here to talk, we are here to team and problem solve with you and the aviation industry. As a disability services provider to millions, we look forward to bringing our vast experience in accessible travel and transportation and the passion and power of Easterseals' nationwide network and community of disability advocates to support this Subcommittee to ensure your success in moving

this initiative forward for the 61 million people with disabilities in our country today.

You can count on Easterseals. Let's get to work!
Thank you.

DISABILITY ADVOCATES ON TRAVEL: A SNAPSHOT FROM EASTERSEALS COMMUNITY

“As an actor, writer and activist, I spend time traveling on an airplane from city to city, working on various productions, attending seminars, and speaking at events. What I've noticed in my frequent travels is a lack of consistency from airport to airport, and airlines airline. Some airports have a wheelchair support team, which has been incredibly helpful as I'm getting from one side of the airport to another. Many don't have such a team, so I never know what to expect.

As with any other person trying to get from terminal, gate to gate, expediency is incredibly important. I don't want to miss my flight, just like anyone else, but if I don't know what kind of assistance to expect—assistance I sometimes very much need—I can't have a successful experience. From wheelchair support teams to having a wheelchair spot on the airlines, I'd love to see more consistency, more accessibility and equity in the current airline system for people with disabilities.”

—Nicole Lynn Evans, Los Angeles, CA

“My wheelchair is customized so I can sit in it safely and comfortably. There have been many missed opportunities in my personal and professional life because I can't sit in a regular seat on a plane. I missed my brother's wedding when he was in the Marines and stationed across the country. I missed speaking engagements that could have propelled my career as an Easterseals National Staff Member. I miss out on the joy of traveling to new places or visiting long-distance friends.

Disabled people shouldn't have to sacrifice autonomy, safety, and happiness because airlines refuse to be truly inclusive and accessible to the 1 in 4 Americans with disabilities. We need equity and access from airlines now.”

—Erin Hawley, New Jersey

“I have a high-level spinal cord injury and utilize a power wheelchair, but my injury and my chair doesn't stop my career aspirations. Unfortunately, in large part, the airlines do. Because there is no designated spot for a wheelchair, I don't fly. I can't risk having my chair damaged or broken. Just can't.

I know I'm not the only professional that uses a wheelchair. There are thousands. We want to climb the career ladder as much as anyone else, but unfortunately, the limits of travel—missing out on conferences, business meetings and even team retreats—leaves us with less of an opportunity to achieve my goals. My attitude won't stop me. My disability won't stop me. The inaccessibility of the airlines does.

As an elected official of the legislative branch, I understand how impactful good legislation can be. I hope this committee will address the grandest legislative goal of all—a wheelchair spot.”

—Ben Trockman, Evansville, IN

“As an autistic traveler and a brand content specialist for Easterseals, I find that so much of air travel and airport navigation relies on expectations that travelers know what to do rather than explicit written directions for travelers to follow. For example, I know from experience that I need to remove my shoes in the TSA Check, but I rarely find that airports have visible and clear signage saying so. When there are signs in airports and on planes, they rely on images that often confuse me.

My disability is invisible; rather than my confusion being met with accommodation, I usually am often yelled at by airport workers for slowing down processes. Air travel can be very overwhelming for me, so I prefer to drive long distances over flying. I wish there were accommodations that I could utilize to make the process less stressful and more accessible.”

—Lily E. Newton, Chicago, IL

Statement of the Christopher & Dana Reeve Foundation

Chairman Larsen, Ranking Member Graves, and members of the Aviation Subcommittee, thank you for the opportunity to submit written testimony for today's hearing to address the challenges passengers with disabilities face during air travel. Since 2002, the Christopher & Dana Reeve Foundation has operated the National Paralysis Resource Center (NPRC), which promotes the health and well-being of people living with spinal cord injury, mobility impairment, and paralysis and is funded through a cooperative agreement with the Administration of Community Living (ACL) at the U.S. Department of Health and Human Services (HHS). It is a priority of the Christopher & Dana Reeve Foundation to ensure that individuals living with spinal cord injury, paralysis, and mobility impairments have the resources necessary to live life to their fullest abilities by participating in their communities and living independently.

The passing of the FAA Reauthorization Act of 2018 (P.L. 115-254) in October 2018 provided additional protections for travelers with disabilities. The section on "Aviation Consumers with Disabilities" led to the feasibility study of in-cabin wheelchair restraints, the creation of the Advisory Committee on the air travel needs of passengers with disabilities, and the Airline Passenger Bill of Rights, which was announced by the U.S. Department of Transportation (DOT) in July 2022.

We consistently hear from the community about how difficult, perilous, and inconvenient air travel is for passengers with disabilities. For several years, the Christopher & Dana Reeve Foundation has been working with a coalition of disability organizations led by Paralyzed Veterans of America (PVA) to advocate for additional improvements to air travel and is urging Congress to include certain key proposals in the Air Carrier Access Amendments Act of 2021 (ACAAA H.R. 1696) as they consider the 2023 FAA Reauthorization.

The ACAAA would do several things to strengthen equitable access to air travel. Specifically, it would allow a private right of action, as most other civil rights laws do, which would finally give passengers with disabilities an appropriate redress for their grievances. The ACAAA would also ensure new airplanes are designed to accommodate the needs of people with disabilities by requiring airlines to meet defined accessibility standards. These standards will require safe and effective boarding and deplaning, visually accessible announcements, seating accommodations, lavatories, and better stowage options for assistive devices.

To learn more about the experience of passengers with disabilities in air travel, PVA, the Reeve Foundation and 10 other disability rights organizations¹ designed and promoted an informal online survey last fall. The goal of the survey was to gather information to inform the fight to improve the ACAAA and make air travel better for all people with disabilities. Nearly 1,300 individuals responded to the survey. Many of the respondents were concerned with the physical barriers that they would face before, during and after a flight. These barriers include fear of wheelchair damage, inaccessible lavatories and being dropped while being transferred to and from the airline aisle chair. In 2019, passengers reported 42,418 disability related complaints by 186 air carriers². The overall number of complaints increased by almost 15% over the number of complaints reported by air carriers in 2018 (36,930). This data illustrates the immediate need for disability specific rules to be written into the upcoming 2023 FAA Reauthorization Act.

One of the most challenging aspects about living with paralysis is combating feelings of isolation and exclusion, especially for those who are unable to leave their homes due to societal barriers. The majority of passengers with disabilities who were surveyed report that they would fly at least a few times a year if the travel experience were more accessible. It is our hope that Congress will include critical Air Carrier Access Act provisions in the FAA Reauthorization Act, which will help create more equity in air travel.

Thank you for the opportunity to submit this written statement and we respectfully urge you to implement these proposals.

¹This survey was sponsored by Paralyzed Veterans of America, American Council of the Blind, Bazelon Center for Mental Health Law, Christopher & Dana Reeve Foundation, Cure SMA, Disability Rights Education & Defense Fund, Epilepsy Foundation, Health Equity Collaborative, Muscular Dystrophy Association, National Disability Rights Network (NDRN), National Federation of the Blind, and United Spinal Association.

²U.S. Department of Transportation Annual Report on Disability-Related Air Travel Complaints received during calendar year 2019.

APPENDIX

QUESTION FROM HON. HENRY C. “HANK” JOHNSON, JR. TO BRIAN RYKS, EXECUTIVE DIRECTOR AND CHIEF EXECUTIVE OFFICER, METROPOLITAN AIRPORTS COMMISSION, ON BEHALF OF AIRPORTS COUNCIL INTERNATIONAL-NORTH AMERICA

Addressing Cognitive Disabilities (not only physical)

Question 1. As we moved through the pandemic, we saw more attention brought to cognitive, not just physical disabilities. To make air travel equitable for everyone, we must be able to address all disabilities as we move forward.

Mr. Ryks, in your testimony, you spoke about pre-flight training programs for individuals with sensory, physical, or cognitive disabilities. Can you tell us more about these programs and how they would benefit individuals such as veterans suffering from PTSD or the elderly who might need additional assistance?

ANSWER. MSP began its pre-flight program, Navigating MSP, in 2013. Many other airports have similar programs. These programs were originally created to support travel accessibility by assisting individuals with sensory, physical or cognitive disabilities. But in the spirit of making air travel more equitable for everyone, MSP and other airports can and do make these programs available to a broader base of individuals, including veterans with PTSD and the elderly.

At MSP we make our pre-flight program available to anyone who feels they need training or practice if a person is within six months before an upcoming flight.

Additionally, an offshoot of our Navigating MSP is a program that trains individuals how to fly with a service animal. This training utilizes our new mock aircraft cabin facility in Terminal 1, which allows individuals to practice boarding an aircraft with their service animals. Veterans are routinely involved in these monthly training sessions.

Serving a growing elderly population and furthering their travel capabilities is an important role for us.

As I mentioned in the hearing, MSP’s accessibility journey is guided by the expertise and support provided through our Travelers with Disabilities Advisory Committee, or TDAC for short.

The committee provides constructive feedback on how we address accessibility complaints and improve programs or design facilities that remove barriers for those with disabilities while elevating the overall experience for all travelers and airport users. We try to have a broad representation on that committee, including those who serve the elderly. One of the members of the committee represents a local non-profit organization, DARTS, which stands for Dakota Area Resources and Transportation for Seniors.

QUESTION FROM HON. HENRY C. “HANK” JOHNSON, JR. TO MATT SCOTT, THREE-TIME PARALYMPIC MEDALIST, TEAM U.S.A.

Strength Despite Disability

Question 1. Mr. Scott, thank you for representing our country in the Paralympics, and congratulations on your many medals—you’re an inspiration to us all.

In your testimony, you state how your wheelchair makes you “feel strong.” That stuck out to me because often, people don’t think about the mental and emotional aspects and security that one might have when it comes to their wheelchair. Can you speak about your personal connection to empowerment and educate others who might overlook this connection?

ANSWER. Thank you, Congressman Johnson, for the thoughtful question. My connection to my wheelchair stems from the obstacles that we overcome together. I consider myself to be extremely independent and my wheelchair symbolizes that and so much more. My wheelchair has allowed me to live a more fulfilling and active lifestyle, but even more importantly, my wheelchair represents a sense of community and connection with others who also use wheelchairs or other assistive mobility

devices. My wheelchair has allowed me to become a source of pride and inspiration in my community. My wheelchair has allowed me to motivate other people living with physical challenges to follow their dreams which is truly powerful. Additionally, I believe that my wheelchair represents resilience and strength. When I'm pushing my wheelchair, it makes me feel empowered because it requires elite level determination, adaptability, and problem-solving skills. It is my daily reminder of my own capabilities both physically and mentally.

QUESTIONS FROM HON. HENRY C. "HANK" JOHNSON, JR. TO HEATHER KRAUSE,
DIRECTOR, PHYSICAL INFRASTRUCTURE, U.S. GOVERNMENT ACCOUNTABILITY OFFICE

FAA Reauthorization Act of 2018

Question 1. Ms. Krause, according to your testimony, we have seen DOT implement several accessibility-related provisions to the FAA Reauthorization Act of 2018. For instance, DOT issued a notice to the largest U.S. airlines establishing a compliance date for reporting requirements on the number of wheelchairs and scooters that were enplaned and the number of these items that were mishandled. However, DOT is still working on rulemaking for other requirements under the 2018 law.

Question 1.a. What would you say are the limitations that have prevented full implementation of these and other necessary provisions?

ANSWER. As noted in our testimony statement, the Department of Transportation had initiated action on all of the accessibility-related provisions in the FAA Reauthorization Act of 2018, but had completed only 5 of the 10 provisions.¹ The Department's response on these remaining provisions was protracted in some cases because the Department sought input from other entities such as the Federal Aviation Administration (FAA) or the Air Carrier Access Act (ACAA) Advisory Committee before taking further action. For example, in the case of the minimum seat size provision (section 577 of the FAA Reauthorization Act of 2018), the Department first wanted FAA to complete its evacuation study (section 337 of the FAA Reauthorization Act of 2018). In the case of the Airline Passengers with Disabilities Bill of Rights provision (section 434 of the FAA Reauthorization Act), DOT officials told us they are seeking, but have not yet received, authorization under the Paperwork Reduction Act to collect and review airlines' and contractors' employee training plans that are required under the provision. In addition, according to Department officials, the pandemic and the unprecedented number of complaints related to refunds consumed Department resources slowing their ability to act on other priorities such as accessibility.

Question 1.b. How do you recommend Congress keep up with the implementation as the landscape quickly evolves?

ANSWER. To help respond to evolving and emerging issues, Congress should have a clear understanding of the status of DOT's efforts to implement accessibility-related statutory provisions. DOT can communicate efforts to address statutory provisions in formal and informal ways. For example, for statutory provisions that involve rulemaking, the Department regularly provides updates in its Significant Rulemakings report.² Other approaches could include a reporting requirement in committee report language or requesting informal briefings from the cognizant Department or agency officials. In the future, for major pieces of legislation that involve multiple requirements, Congress could consider adding in the legislation a reporting requirement for the Department to provide status updates, as noted in a recent Congressional Research Service report.³

QUESTION FROM HON. HENRY C. "HANK" JOHNSON, JR. TO GRAHAM KEITHLEY, VICE
PRESIDENT AND ASSOCIATE GENERAL COUNSEL, AIRLINES FOR AMERICA

Handling of Service Animals

Question 1. Service animals play a vital role in the lives of people with disabilities, ranging from autism to muscular dystrophy. Service animals also, in many cases, become loving friends with their owners. However, before they can become

¹GAO, *Passengers with Disabilities: Barriers to Accessible Air Travel Remain*, GAO-23-106358 (Washington, D.C.: Nov. 17, 2022).

²Department of Transportation, *Report on Significant Rulemakings*, Washington, D.C., accessed Dec. 8, 2022, <https://www.transportation.gov/regulations/report-on-significant-rulemakings>.

³CRS, *Congressionally Mandated Reports: Overview and Considerations for Congress*, R46357 (Washington, D.C.: May 14, 2020).

service animals, they must go through rigorous training, and individuals must also be knowledgeable about handling them.

Mr. Keithley, can you speak about the most challenging issues you see in ensuring service animals are handled with care during passenger transport?

ANSWER. The U.S. Department of Transportation's (DOT) revised rules limiting service animals to dogs individually trained to work or perform tasks for the benefit of a qualified individual with a disability align with the Department of Justice's definitions, and have improved the safety and accessibility of air travel. Despite these changes, the fraudulent self-certification by passengers that their dog is a service animal, especially fraudulent assertions of self-training by the passenger, continues to pose a significant safety and accessibility problem for airlines. Such cases continue to result in significant dog misbehavior in the airport and onboard aircraft, which have resulted in injuries to passengers, crewmembers, and legitimate services dogs.

We also look forward to working with our airport partners on making improvements to the airport environment that will facilitate seamless and more independent travel with service dogs, including more accessible and greater numbers of service animal relief areas, improved navigation signage, and more accessible infrastructure (e.g., elevators).

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